



TIGARD CITY COUNCIL
MEETING

February 14, 2006

6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
FEBRUARY 14, 2006

6:30 PM

- STUDY SESSION

- > Commuter Rail Station

- o Staff Report: Community Development Department

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss Labor Negotiations and Real Property Transaction Negotiations under ORS 192.660(2)(d) and (2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Follow-up to Previous Citizen Communication
 - Tigard High School Student Envoy Report

- 3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for January 6, and 10, 2006
 - 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - c. January 31, 2006, Fifth Tuesday Meeting Notes

- 3.3 Local Contract Review Board:
 - a. Approve the Purchase of a Loader/Backhoe from Halton Company
 - b. Award Construction Contract for Information Technology Building Electrical Upgrade and Emergency Generator Power Supply to Frahler Electric
 - 3.4 Approve Budget Amendment No. 9 to Increase Appropriations in the Traffic Impact Fee Fund for Funding of Walnut Street Right-of-Way Acquisition and the Street Maintenance Fee Fund for Funding of Additional Costs Related to the Pavement Major Maintenance Program- Resolution No. 06-_____
 - 3.5 Approve Intergovernmental Agreement (IGA) with Washington County for use of MSTIP3 Bike and Pedestrian Program Funds on the Washington Square Regional Center Greenbelt Trail Project
 - 3.6 Approve the Allocation of Funds in FY 06-07 for Commuter Rail Shelter Upgrade – Resolution No. 06-_____
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
4. CONSIDER A RESOLUTION EXPRESSING GRATITUDE AND COMMENDING PROVIDENCE HEALTH SYSTEMS FOR THEIR EXPRESSION OF COMMUNITY INVOLVEMENT BY GENEROUSLY SUPPORTING THE TIGARD POLICE D.A.R.E. SUMMER CAMP PROGRAMS
 - Staff Report: Police Department
 - Council Discussion
 - Council Consideration: Resolution No. 06-_____
 5. PUBLIC HEARING: CONSIDER A RESOLUTION FINALIZING SEWER REIMBURSEMENT DISTRICT NO. 35 (SW ASH AVENUE)
 - a. Open Public Hearing
 - b. Staff Report: Engineering Staff
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 06-_____
 6. AFFORDABLE HOUSING FEE ASSISTANCE REQUEST
 - Staff Report: Community Development Department
 - Review Request and Respond to City Council Questions: Luke-Dorf Executive Director Howard Spanbock
 - Council Discussion
 - Council Consideration: Motion to grant fee assistance to Luke-Dorf in the amount of \$2,243

7. CONSIDER AMENDING THE TUALATIN RIVER BICYCLE AND PEDESTRIAN BRIDGE INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITIES OF DURHAM AND TUALATIN TO ADD CLEAN WATER SERVICES AS A PARTNER AND TO COMMIT ADDITIONAL FUNDS TO THE PROJECT
 - Staff Report: Public Works Department
 - Council Discussion
 - Council Consideration: Motion to approve the Intergovernmental Agreement with the Cities of Durham and Tualatin, and Clean Water Services.

8. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #8 TO THE FY 05-06 BUDGET TO INCREASE APPROPRIATIONS IN THE PARKS CAPITAL IMPROVEMENT BUDGET FOR FUNDING OF ADDITIONAL COSTS RELATED TO THE TUALATIN RIVER BICYCLE AND PEDESTRIAN BRIDGE
 - Staff Report: Finance Department
 - Council Discussion
 - Council Consideration: Resolution No. 06-_____

9. NON AGENDA ITEMS

10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. ADJOURNMENT

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
JANUARY 6, 2006

Mayor Dirksen called the meeting to order at 12:19 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

2006 Goal-Setting Discussion

City Manager Prosser reviewed materials submitted to the City Council to assist in the goal-setting discussion. Materials included:

- ♦ 2005 City Council Goal Status Summary
- ♦ Departmental summaries of accomplishments for the year
- ♦ Volunteer report
- ♦ The Capital Improvement Program Progress Report for the 2005 Calendar Year

Council members proceeded with a brainstorming session, with each member suggesting goals for 2006. (Recorder's Note: Attached is the proposed final 2006 City Council Goals list submitted for Council approval at its January 24, 2006, business meeting.)

Below are highlights of the City Council discussion:

- ♦ Revise Comprehensive Plan – complete the draft by the end of the year. Notation that the Plan is 25 years; identify where it is obsolete.
- ♦ Improve relationship and communication with citizens – implement the new neighborhood program.
- ♦ Implement the Downtown Plan – add specifics of what is to be implemented in 2006; identify projects such as a public gathering place in the downtown. The City Council can support the ballot measure and Council members decided they would work to get the ballot measure passed and to support the political action committee.
- ♦ Improve 99W corridor. Projects in 2006 would include the implementation of the Transportation Growth Management Study and improvements to the Greenburg and Hall Boulevard intersections.
- ♦ Stabilize the Financial Picture as the City Council receives the Financial Strategy Task Force report followed by appropriate City Council action. City Council members also noted the importance of continuing to control costs.
- ♦ City Council members considered the potential goal to “address growth on the western border.” After discussion, City Council decided the goal should be stated in terms for clarification of the City’s position on the provision of urban services to unincorporated areas and to protect the interests of the citizens of Tigard.
- ♦ Long-range water decisions will be necessary in 2006.

- ♦ Build skate park. There was discussion on whether this should be a subsection of a goal and it was placed under the broader goal of Implementing the Downtown Plan.
- ♦ Consider opportunities to make major greenspaces purchases. After discussion, City Council members decided to add specific activities including purchasing first-refusal options and to explore property exchanges with the School District.
- ♦ City Council discussed long-term water options including the Joint Water Commission, City of Portland, and Lake Oswego.
- ♦ Comprehensive Plan Review and Revision. There was discussion about:
 - High-tech development in the region – Tigard is in the center of this activity (i.e., Washington Square, Lincoln Center, Kruse Way).
 - Analyze trends.
 - Determine where current Code is obsolete. Define economic patterns and strategies.
 - Understand the economic trends and define what kind of City we want to become.
 - City staffing includes one-half FTE for an urban renewal planner and one-half FTE for economic development.
 - Develop an economic assessment of existing conditions and opportunities
 - The Comprehensive Plan sets out a vision for the City – a hierarchy of purposes.
 - Consider design standards.
- ♦ Address growth on the western border of the City, which will involve more than the Comprehensive Plan Review (i.e., intergovernmental agreements, policies, Area 63/64).
- ♦ At this time unincorporated Bull Mountain area is not in the Comprehensive Plan Review.
- ♦ There was a suggestion to include up to 150th Street in the Comprehensive Planning Review; however, there was a question as to whether the City would have the authority to include this property. Another suggestion was to keep the area outside the City limits as a separate issue while the City Council works out some of the policy issues.
- ♦ There was discussion on the original policy for the urban services area noting the changes in the “political landscape.” Original policy clearly states that it was anticipated that the City boundaries would extend to the current urban growth boundary. The position on the urban services area needs to be clarified. Discussed protecting the public’s interest.
- ♦ There appears to be no mechanism to bring areas 63 and 64 into the City of Tigard.
- ♦ Referred to Senate Bill 122 directing cities and counties to address areas within the urban growth boundary to determine how urban services would be provided; who would be the ultimate service provider.
- ♦ There was a suggestion to do a comprehensive survey to tie together some of the other smaller surveys.
- ♦ There was discussion about the continued improvement of the City’s committee system. It was suggested that sign up sheets provide a space so people can indicate if they would be interested in serving on a board or committee (develop a resource file).

- ♦ Utilize the library to get messages out.
- ♦ Promote the City's web page.
- ♦ Communication is two-way; suggested focus be on those who want to be part of the communication process. Another comment was the desire to hear from the "average" person as well as activists.
- ♦ Involve the Citizens for Community Involvement and the Neighborhood groups.
- ♦ Past surveys included: Library services; Citizens Academy program.
- ♦ Make public notices for land use more visible; include a telephone number so more information could be obtained if desired.
- ♦ Progress in communication has included the 5th Tuesday meetings and the use of the City's website.
- ♦ Suggested that a recognition event be planned for the Neighborhood program.
- ♦ Discussed CPO's and the request to the County to restructure this program.
- ♦ Discussed City's relationship with schools, with the comment made that the mission of the City is not education. Continue to work on two-way communication and cooperate with the schools where the two jurisdictions' missions overlap.

Meeting recessed at 2:09 p.m.

Meeting reconvened at 2:29 p.m.

- ♦ Reviewed the Transportation Growth Management Grant process.
- ♦ On March 4 there is a CPO 4B and 4K symposium on 99W. There was a request for the City of Tigard to attend. More information is needed.
- ♦ A request was made for a Police report on activity on Bull Mountain.
- ♦ Add the Greenburg Road and Hall Boulevard intersection projects to the 99W goal.
- ♦ Reference made to performance audits for major expenditure programs – setting the budget and "sticking to it."
- ♦ Discussion on how capital projects are carried forward from one fiscal year to the next when projects have not been completed. Suggestion that draft Capital Improvement Program identify projects not completed, but funded.
- ♦ Discussed how the City invests money as required by law.
- ♦ Discussed contingency funding for projects. Generally, the City sets aside 10-20 percent as contingency for projects.
- ♦ Discussed long-term financial picture. Budget is always balanced; however, a number of desired programs and projects cannot be done.
- ♦ Metro dollars might be available for park/greenway purchases. The Parks and Recreation Advisory Board is evaluating opportunities and options for park/greenway purchases.
- ♦ Additional discussion on urban services area and whether the City might want to consider that the boundaries of the City of Tigard are set; however, the other viewpoint includes concerns by those who do not want to see further use of City services by people who have not paid for them. There was a suggestion that the cities of Washington County come together on this issue and present a united message to the County.
- ♦ City Council members agreed that the City map showing only the City boundaries (not the urban growth boundary) be used as the City of Tigard map.

- ♦ The County adopted the City of Tigard Development Code, in a public process, when the City and County entered the urban services agreements.
- ♦ Briefly discussed the requirements for forming a new City. Feasibility study is being conducted for formation of a new City on Bull Mountain.

Council meeting recessed at 3:30 p.m.

Council meeting reconvened at 4:04 p.m.

- ♦ Council members reviewed and selected a final logo design as presented by Consultant Glen Marcusen.
- ♦ Official city font selected: Garamond
- ♦ Following tag line can be used with logo: "A Place to Call Home."

ADJOURNMENT: 4:47 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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Agenda Item No. _____
For Agenda of _____

Tigard City Council Meeting Minutes

Date: January 10, 2006
Time: 6:34 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Administrative Items	<ul style="list-style-type: none"> ♦ City Council reviewed a draft of the 2006 City Council goals. Wording changes were suggested. ♦ City Council reviewed a proposal for City of Tigard logo ♦ City Council finalized travel plans for Congress of Cities Conference – March 11-16 ♦ The March 14, 2006, City Council meeting has been canceled. City Council will be attending the Congress of Cities Conference on that date. Staff asked if the City Council would like to consider adding business items to the March 21 workshop meeting; City Council members agreed to keep this meeting as a workshop unless there is a need to consider business items. 	<p>Staff to prepare a final draft and submit goals for City Council approval on January 24, 2006. Mayor Dirksen presented the draft goals to the public during the business meeting.</p> <p>Mayor Dirksen presented new logo design to the public during the business meeting.</p> <p>Staff to send out the notice canceling the March 14, 2006 City Council meeting.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> ♦ City Manager Prosser reported on the status of the Court of Appeals Case: John Frewing v. City of Tigard and Windwood Construction. The Court of Appeals upheld the Land Use Board of Appeals decision. <p>Study Session recessed: 7 p.m.</p>	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:35 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports: None</p> <p>1.5 Call to Council and Staff for Non-Agenda Items: None</p>	
2. Citizen Communication	<ul style="list-style-type: none"> ♦ Tigard High School Student Envoy Krista Foltz presented a report to the City Council on Tigard High School Activities. A copy of her report is on file in the City Recorder's office. ♦ John Frewing, 7110 SW Lola Lane, Tigard, Oregon 97223 requested that City Council call up the Hearings Officer decision for the Refuge at Fanno Creek. Mr. Frewing submitted documentation outlining his concerns with regard to the proposed condominium development. Mr. Frewing was asking for the Council call up as he noted the appeal fee was more than what he could pay. The documents referred to above are on file in the City Recorder's office. <p>After City Council discussion and upon advice of City Attorney Ramis, the following motion was made and adopted:</p>	<p>Motion by Councilor Harding, seconded by Councilor Woodruff, to set this matter for a hearing on January 24, directing staff to provide notice to all participants in the proceeding and anyone else entitled to notice under the zoning code and also directing the staff to contact the railroad to determine if the railroad has any position on the scope and applicability of the easement;</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> ♦ Leonard Logan signed in to speak but declined to testify. ♦ Sue Bielke, 11755 SW 114th, Tigard, OR 97223, also testified about the proposed Refuge at Fanno Creek condominium project. She distributed copies of photographs showing water levels on the subject property. She supported Mr. Frewing's request for a City Council call up of this item and also said the appeal fees were too high and requested the City Council consider reducing the fees for filing an appeal. Ms. Bielke said she did not think the decision was adequate and noted her concerns with flooding. She said she does not believe the proposed development meets the Code and that it should be processed as a Planned Development. The subject site is in the Washington Square Regional Plan area. 	<p>directing the City Attorney's office to do the same. January 24, 2006, is the time for anyone to comment on the findings from the railroad and the City Attorney's office; also at this time, allowing to people to advocate as to whether or not the Council should even hear this matter. The proceeding will be confined to this narrow issue.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda	<p>3.1 Approve Council Minutes for December 13, 2005</p> <p>3.2 Receive and File:</p> <p>a. Council Calendar</p> <p>b. Tentative Agenda</p> <p>3.3 Approve Budget Amendment #7 to the FY 2005-06 Budget to Increase Appropriations in the Mayor and Council Budget for Funding of Tigard's Contribution to the League of Oregon Cities for Telecommunication Litigation Expenses – Resolution No. 06-01</p> <p>RESOLUTION 06-01 – A RESOLUTION APPROVING BUDGET AMENDMENT #7 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE MAYOR AND COUNCIL BUDGET FOR FUNDING OF TIGARD'S CONTRIBUTION TO THE LEAGUE OF OREGON CITIES FOR TELECOMMUNICATION LITIGATION EXPENSES</p> <p>3.4 Initiate Vacation Proceedings for Several Small Pieces of Public Right-of-Way Along 68th Parkway and 69th Avenue North of Dartmouth Street; Public Right-of-Way Vacation (VAC2005-00004 and VAC2005-00005) – Resolution No. 06-02</p> <p>RESOLUTION NO. 06-01 – A RESOLUTION SETTING THE DATE OF A PUBLIC HEARING REGARDING THE VACATION OF FIVE (5) SMALL PORTIONS OF PUBLIC RIGHT OF WAY TOTALING 3,392 SQUARE FEET ALONG 68TH PARKWAY AND 69TH AVENUE WHICH ADJOIN TAX LOTS 1S136DD-03001, 1S136DD-06100, 1S136DD-6300, 1S136DD-06600, AND 1S136DD-06700. THESE PARCELS ARE OWNED BY THE PETITIONERS AND ARE LEGALLY AND GRAPHICALLY DESCRIBED WITHIN EXHIBITS "A-1, B-1/A-2, B-2/A-3, B-3/A-4, B-4/A-5,B-5."</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes</p> <p>Councilor Harding Yes</p> <p>Councilor Sherwood Yes</p> <p>Councilor Wilson Yes</p> <p>Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>3.5 Local Contract Review Board</p> <p>a. Adopt Revisions to the City of Tigard's Public Contracting Rules as Required by New State Laws – LCRB Resolution No. 06-01</p> <p>LOCAL CONTRACT REVIEW BOARD RESOLUTION NO. 06-01 – A RESOLUTION ADOPTING REVISIONS TO THE CITY'S PUBLIC CONTRACTING RULES AS REQUIRED BY NEW STATE LAWS</p>	
4. State of the City Address	<p>Mayor Dirksen presented the State of the City address. An outline of the address is attached (Exhibit A).</p>	
5. Introduce New City Logo	<p>Mayor Dirksen presented the new City of Tigard logo design.</p> <div data-bbox="539 1031 845 1251" data-label="Image"> </div> <p>The Mayor and Council commented on the new design, which was professionally designed to update the previous logo of 25 years. The City Council members expressed their thoughts on the new logo's imagery representing what makes Tigard special including the quality and professionalism Tigard citizens expect. The design includes trees, Fanno creek/pathway and homes showing a transition from residential to more urban areas of the City. City Council also wanted to show that with the urbanized transition, there is an appreciation for nature. The new logo will be incorporated over time into items such as City signs, business cards and vehicles.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Consultant Glen Marcusen thanked the City Council for their participation in developing the new design.</p> <p>Mayor Dirksen advised that the "tag line," <i>A Place to Call Home</i> will also be used in conjunction with the new logo.</p>	
6. Update – 4 th Quarter 2005 City Goals	City Manager Prosser reviewed the 4 th Quarter 2005 Goal Update. A copy of the status report of the 2005 City Council goals is on file in the City Recorder's office.	
7. Introduce 2006 City Council Goals	Mayor Dirksen introduced the 2006 City Council goals. A copy of the list of goals is attached (Exhibit B).	City Council will consider formal adoption of the City Council goals on January 24, 2006.
8.	Adjournment: 9:14 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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2006 State of the City Address Outline

Presented by: Mayor Craig Dirksen

INTRODUCTION

2005 was a good year – a year of beginnings. The City Council established the following City Council goals for 2005:

- Revitalize Downtown
- Improve 99W
- Address Growth

- Budget focus was on \$20 million of Capital Improvements

2005 ACCOMPLISHMENTS

- Completed the Downtown Plan, which gave us a road map to move forward
The citizen involvement plan received the Good Governance Award from the League of Oregon Cities
- 1st year of Street Maintenance Plan (over \$800,000 in fees paid for 14,577 feet of new streets)
- 1st full year of new library operation set new records
- Opened talks with ODOT on 99W and received a study grant
- Rebuilt McDonald Street/99W intersection; received funding for a revised Hall Street/99W intersection and began studying options to improve Greenburg Road intersection.
- Mayor's Forum with Metro in response to Tigard and other cities expressing concern about growth issues.
- Began Heritage Tree Program
- Provided \$2 million to purchase new park land
- Began administering Healthy Streams program with Metro
- Held first annual Family Week Celebration

2006 PLANS

- Implement City Branding with new logo, identity, park and entrance signage
- Revise Comprehensive Plan by end of year
- Downtown Urban Renewal District
- Long Range Water Plan – four viable choices
- Begin Downtown Projects
 - Burnham Street improvements
 - Commuter rail station
 - Streetscape design
 - Zoning overlays
 - Architectural design guidelines

- Purchase public space
- Begin 99W Study and intersection improvements

FUTURE CHALLENGES

- General Fund Stabilization
Citizen Task Force Study and Recommendations – February
- Changes in Development Code to address infill and downtown development
- Continued Urban Growth Boundary planning dialog with Metro and County
- County Public Safety Levy
- Right-of-way management and maintenance

We have many things to do and the Council and I are looking forward to an exciting year of challenge and accomplishment.

Tigard City Council Goals – 2006

Continuation of 2005 Tigard City Council Goals

- ▶ Revise City of Tigard Comprehensive Plan
 - Complete draft by year end
 - ▶ Implement Downtown Plan
 - Implement catalyst projects including:
 - Improvements to Burnham Street
 - Identify and purchase land for a Downtown public gathering place
 - Work to assure passage of the Urban Renewal Plan Ballot measure
 - Identify and make changes to the Tigard Development Code needed to implement the Downtown Plan (e.g., zoning overlays, design standards)
 - ▶ Improve 99W Corridor
 - Complete Transportation Growth Management (TGM) Corridor Study
 - Continue Greenburg Road intersection project
 - Continue Hall Boulevard intersection project
-

Other Important Goals for 2006

- ▶ Improve Communication and Relationship with Citizens
 - Implement the new neighborhood program throughout the City
 - Conduct a city-wide scientific survey/report card on City services
 - Connect Council with students in schools
- ▶ Consider Opportunities for Major Greenspaces Purchases
 - Purchase first-refusal options
 - Explore School District property exchange
- ▶ Clarify City's Position on the Provision of Urban Services to Unincorporated Areas and in the Best the Interests of the Citizens of Tigard
- ▶ Secure Long-Range Water Source(s)
- ▶ Stabilize Financial Picture
 - Review Financial Strategy Task Force recommendations
 - Take appropriate action to control costs

MEMORANDUM



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley, City Recorder

DATE: February 6, 2006

SUBJECT: Three-Month Council Meeting Calendar

Agenda Item No. _____
For Agenda of February 14, 2006

Regularly scheduled Council meetings are marked with an asterisk (*).

February

14*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
21*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
20	Monday	Presidents Day Holiday – City Offices Closed
28*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

March

11-15	Sat-Weds.	Congressional Cities Conference
14*	Tuesday	Meeting to be rescheduled
21*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
28*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

April

11*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall
18*	Tuesday	Council Workshop Meeting – 6:30 pm, Town Hall
24	Monday	Budget Committee Meeting – 6:30 pm, Tigard Water Auditorium
25*	Tuesday	Council Business Meeting – 6:30 pm, Town Hall

Tigard City Council Tentative Agenda 2006

Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	February 14, 2006 Business/6:30 p.m. City Hall January 31, 2006	Meeting Date: Meeting Type/Time: Location: Greeter: Materials Due @ 5:	February 21, 2005 Workshop/6:30 p.m. City Hall February 7, 2005	Meeting Type/Time: Location: Greeter: Materials.Due @ 5:	February 28, 2006 Business/6:30 p.m. City Hall February 14, 2006
Study Session		Workshop Agenda		Study Session	
Executive Session - Labor Neg.- Sandy 20 min. Executive Session - Open Space & Land Acquisition - Dennis/Dan 20 min. Commuter Rail Station - Tom C.		Presentation of Findings & Recommendations from Fin. Strat. Task Force - Tom I. - 45 min. Joint Meeting with Planning Commission - Overview of Comprehensive Plan Work Program - Tom C./ Beth S. - 45 min. Joint Meeting with Citizens for Community Involvement - Tom C./Duane - 30 min. Update on Downtown Streetscape Design Process and Review Design Theme Recommendations of the Streetscape Working Group - Tom C./Denver - 30 min. Burham Street Project Update - PWP - Gus D. - 15 min. Proposed LID in Tigard Triangle - Request by Specht Development - PWP - Gus D.- 20 min. Communication Ideas Discussion - Councilor Harding 20 min.		IGA - Goal 5 Fish & Wildlife Habitat Tualatin Basin Partners - 10 min - Tom C./Denver Hall Blvd. Jurisdictional Transfer Discussion Gus D. - 10 min.	
Consent Agenda				Consent Agenda	
LCRB - Approve Backhoe Pur. Dennis K./Eric H. LCRB - App. IT Bldg. Ele/Em. Gen-Dennis/Rob Budget Amend. No. 9 - Increase approp. in Traffic Impact Fund for Walnut St. ROW Acquis. and St. Maint. Fund - RES Tom I./Gus D. Commuter Rail Sta. RES- Tom C./Phil N. IGA - Wash. Co.-MSTIP3 Bike/Ped. Funds - Gus D.				IGA - Goal 5 Fish & Wildlife Habitat Tualatin Basin Partners - Tom C.	
Business Meeting				Business Meeting	
Commending Providence Health Care for Com. involvement in DARE prog.-Jim W. RES- 5 min Finalization of Sewer Reimb. Dist 35 PPT PH RES - Gus/Greg B - 10 min. Affordable Housing Fee Assistance Request - Tom C./Duane - 15 min. Consider Amending Tualatin River Bicycle & Ped Bridge IGA to add Clean Water Svcs. as partner and commit additional funds to project Dan P./Dennis K. 10 min. Bud. Amend. No. 8 - Tual. Riv.Bike/Ped Bridge RES - Michelle W./Dan P. - 10 min.				PHQJ - Vacation of Un-Named Right of Way Near 74th Ave. & Durham Rd. - ORD - Tom C. - 10 min. PHQJ - Vacation of Portions of Right of Way on 68th Parkway and 69th Avenue - Tom C./Dick B. ORD - 10 min. PHQJ - LUBA Remand of Ash Creek Estates Subdivision - Dick B. - 50 mins LCRB -Post-Project Eval. Report on CM/GC Contract for the Tigard Library Project - PWP - Gus D. - 10 min. Purchase Agreement for Real Property Related to 550' Zone Res. No. 2 Dennis/Brian R- 10 min. IGA with Lake Oswego - Share Costs for Water System Fac. Plan - Dennis K. - 10 min.	
Time Avail.: 135 min. - Time Scheduled: 50 min. Time Left: 85 min.		Time Avail.: 200 min. - Time Scheduled: 205 min. Time Left: (5 min.)		Time Avail.: 135 min. - Time Scheduled: 100 min Time Left: 35 min.	

THS Student Envoy - Citizen Comm.

Tigard City Council Tentative Agenda 2006

Meeting Date:	March 14, 2006	Meeting Date:	March 21, 2006	Meeting Date:	March 28, 2006
Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/6:30 p.m.	Meeting Type/Time:	Business/6:30 p.m.
Location:	City Hall	Location:	City Hall	Location:	City Hall
Greeter:		Greeter:		Greeter:	
Materials Due @ 5:	February 28, 2006	Materials Due @ 5:	March 7, 2006	Materials Due @ 5:	March 14, 2006
Study Session		Workshop Agenda		Study Session	
		Joint Meeting with Budget Committee - Tom I. - 40 min. SI Proposed Capital Improvement Program Projects for FY 2006-07 - PWP - Gus D. 40 min Downtown Implementation Strategy/ CIP Priorities - Tom C./Phil N. 60 minutes Joint Meeting with the IWB - Dennis - 60 min.		Councilor Wilson Absent Jail Facility Inspection - Bill D. - 30 min.	
Consent Agenda				Consent Agenda	
				Appoint Members to the Bldg Appeals Board - RES - Tom C./Gary L. Library Policies - Margaret (need RS)	
Business Meeting				Business Meeting	
Congressional Cities Conference - MEETING CANCELLED				Emergency Management Program Update Mike L. - 10 min	
Time Avail.: 135 min. - Time Scheduled: min Time Left: min.		Time Avail.: 200 min. - Time Scheduled: 200 min Time Left: 0 min.		Time Avail.: 135 min. - Time Scheduled: min Time Left: min.	

THS Student Envoy - Citizen Comm.

Tigard City Council Tentative Agenda 2006

Meeting Date:	April __ ?	Meeting Date:	April 11, 2006	Meeting Date:	April 18, 2006
Meeting Type/Time:	Special Joint Mtg.	Meeting Type/Time:	Business/6:30 p.m.	Meeting Type/Time:	Workshop/6:30
Location:		Location:	City Hall	Location:	City Hall
Greeter:		Greeter:		Greeter:	
Materials Due @ 5:	#VALUE!	Materials Due @ 5:	March 28, 2006	Materials Due @ 5:	April 4, 2006
		Study Session		Workshop Agenda	
Special Joint Meeting - TTSD & Cities of Tigard and Tualatin. Invitation to attend: King City & Durham				Joint Meeting with Library Board - Margaret - 30 min. SI Enhanced Citizen Participation Update - Liz - 30 min. - SI Proposed Street Cut Moratorium - Nancy W. 20 min. PWP	
		Consent Agenda			
		Business Meeting			
		Time Avail.: 135 min. - Time Scheduled: min Time Left: min.		Time Avail.: 200 min. - Time Scheduled: 80 min Time Left: 120 min.	

THS Student Envoy - Citizen Comm.

5th Tuesday notes by Stacie Yost/Tom Woodruff

1/31/06 @ Tigard Water Building:

Start: 7:00 PM End: 9:00 PM

Agenda Item No. _____

Council Meeting of _____

Council Present: Mayor Dirksen; Councilors Woodruff, Wilson, Harding

Sign-in sheet:

<u>Name</u>	<u>Address</u>	<u>Topic</u>
Kevin Saier	13911 SW Hillshire Dr.	Bldg Code hole – Unlimited height restrictions
Mark Bay	13899 SW Hillshire Dr.	Same as above
Charles Schneider	11195 SW Tigard St.	Building - Streets
John Frewing	7110 SW Lola Ln.	Sidewalks
Lisa Hamilton Treick	13565 SW Beef Bend Rd.	
Gretchen Buehner	13249 SW 136 th Place	
Pamela Miller	13914 SW Hillshire Dr.	Height Restrictions
Shelly Dahl	13835 SW Hillshire Dr.	Height Restrictions

Tigard City Council 5th Tuesday Agenda:

- o Building Code Height Restrictions
- o Building & Streets
- o Sidewalks
- o Notification of Δ in development plans

Height Restrictions – Code:

- *Can permits be rescinded if code was misinterpreted (by City)?
- *Health & Safety concerns of tall towers?
- *Nuisance Code allow for exception to permit/code?

Building & Streets:

- *Light at Main & Tigard Street – investigate possibilities.
- *Parks & Recreation feedback in Cityscape.

Sidewalks:

- *Include Sidewalks in Street Maintenance Fee?
- *Review minutes to see when issue (fee) was to be revisited/reviewed.

Notification of Δ in development plans

- *Disconnect between Neighborhood Meeting & what actually gets developed (& approved by City).
- *Beef Bend & approximately 147th – 150th trees cleared before approval of plan?
- *Feedback from staff re: issue requested by Mayor – trees cleared before approval of plan.
- *What is purpose of Neighborhood Meeting? Input or info?
- *Requests for neighborhood meeting minutes were not answered. Who is responsible for these minutes?
- *Guidelines of development application process need review?
- *Codes/Ordinances & (lot size) Citizen Communication

Councilor Woodruff's notes:

Kevin Sayers: +/- 6 others Hillshire area – Building code problems with tower – no height restrictions on towers.

Action: Review Code, Review this permit.

Josh Snyder – Streets

Tigard/Main Street Intersection

Burnham Street

Development off North Dakota – narrow streets

Need more involvement with Park Board.

John Frewing – Sidewalks

Review citizen's comm. to review sidewalks

Now is the time move ahead and increase sidewalks.

Lisa

Use franchise fees where they are collected.

Create task force to improve right of way on Durham Rd.

Development plans changed without notification to affected neighborhoods

Beef Bend & 150th – all trees cut down – was it legal?

We need a better way to notify neighbors if there are material changes from the meeting to submitted plan.



Prepared by Jeanne Bengtson
Executive Asst. to the City Manager
2/1/06

January 31, 2006

PRESENTED BY/ON BEHALF OF:

Jeff and Shelly Dahl	SW Hillshire Dr	
Mark and Audrey Bay	13899 SW Hillshire Dr	503-524-3357
John and Paula Janac	13903 SW Hillshire Dr	
← Kevin and Patricia Saier	13911 SW Hillshire Dr	503-590-1745
Pardis and Tony Mahrassa	13944 SW Hillshire Dr	503-590-7822
Mike and Stephanie Phillips	SW Hillshire Dr	
Barry and Inger Jannsen	13928 SW Hillshire Dr	503-524-0530
Dean and Joyce Aueson	13922 SW High Tor Dr	503-597-3530
Jeff and Pam Miller	13914 SW Hillshire Dr	503-590-9109
John S Martin	14105 SW High Tor Dr	503-590-7089
Don and Joanie Vaughn	14160 SW 141 st Ave	
Steve Tuttle	14205 SW 141 st Ave	503-590-3719

PROBLEM STATEMENT: There is a hole in the Tigard Municipal Building Code (Title 18) which enables any residential homeowner in Tigard to construct a tower or antenna structure of unlimited height.

REQUESTED ACTION: Amend Title 18 to reinstate height limits and setback requirements on antenna and tower structures (attached or detached) built on residential land in Tigard.

DETAILS: Although it is clear that Title 18 of the Tigard Municipal Building Code tries to preclude the construction of unsightly, oversized, or inappropriate structures in residential areas, a specific hole in the code allows for any residential homeowner in Tigard to construct an "attached" tower or antenna of *any* height.

MUNICIPAL CODE:

Section 18.510.050 of the building code specifies Development Standards for residential zones. Table 18.510.2 specifies that the Maximum Height requirements for R-1 through R-7 residential zones range from 30 to 35 ft.

Section 18.510.060 of the building code specifies that "an accessory structure may not exceed 15 feet in height."

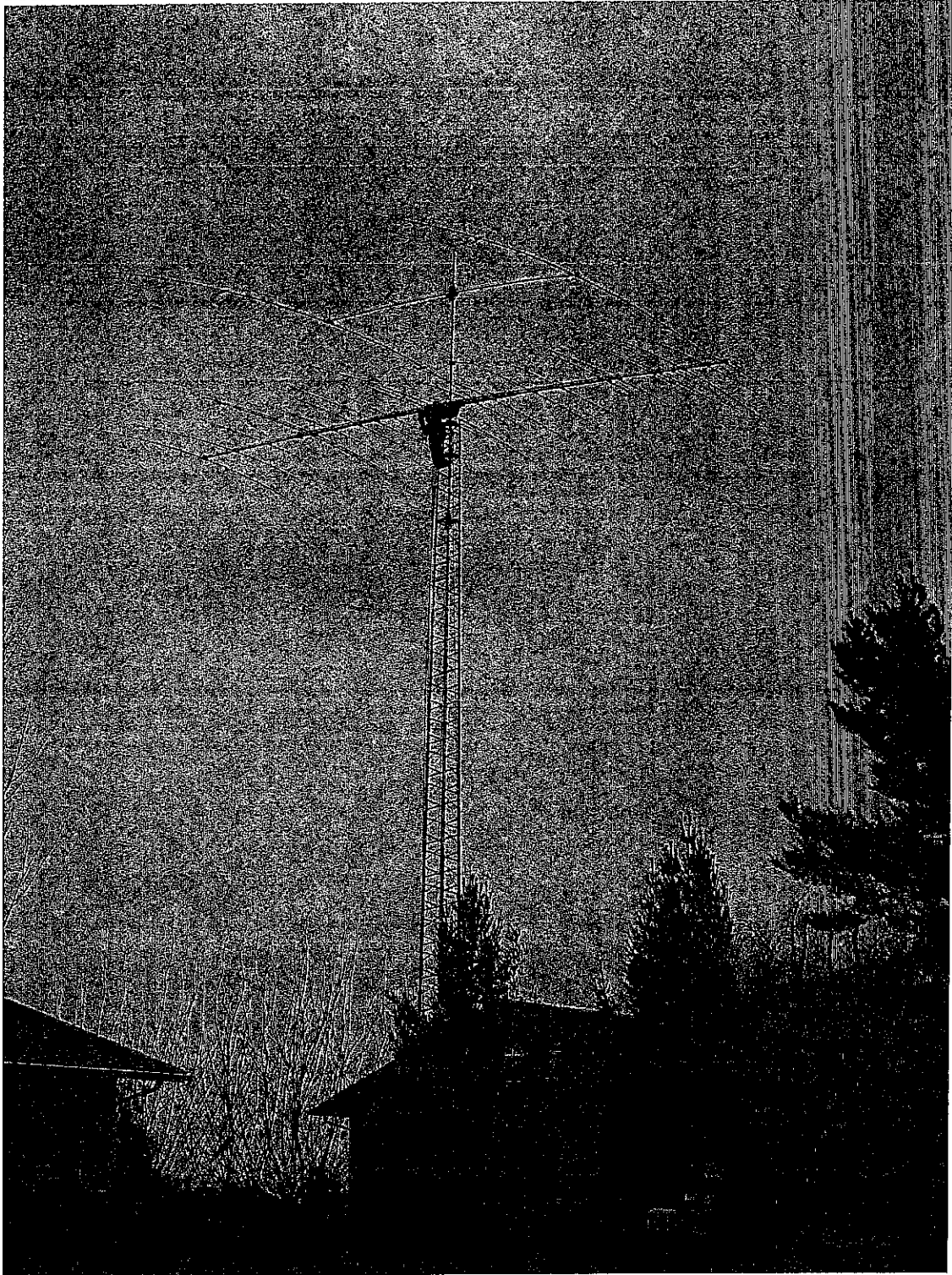
Section 18.730.020.A removes all maximum height requirements from Title 18. It states, "Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding TV dish receivers, aerials, flag poles, and other similar objects not used for human occupancy, are not subject to the building height limitations of this title."

Although Section 18.730.020 removes all height requirements, there are still setback requirements built into the city code. Section 18.510.060 states that "All freestanding and detached towers, antennas, wind-generating devices, and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure."

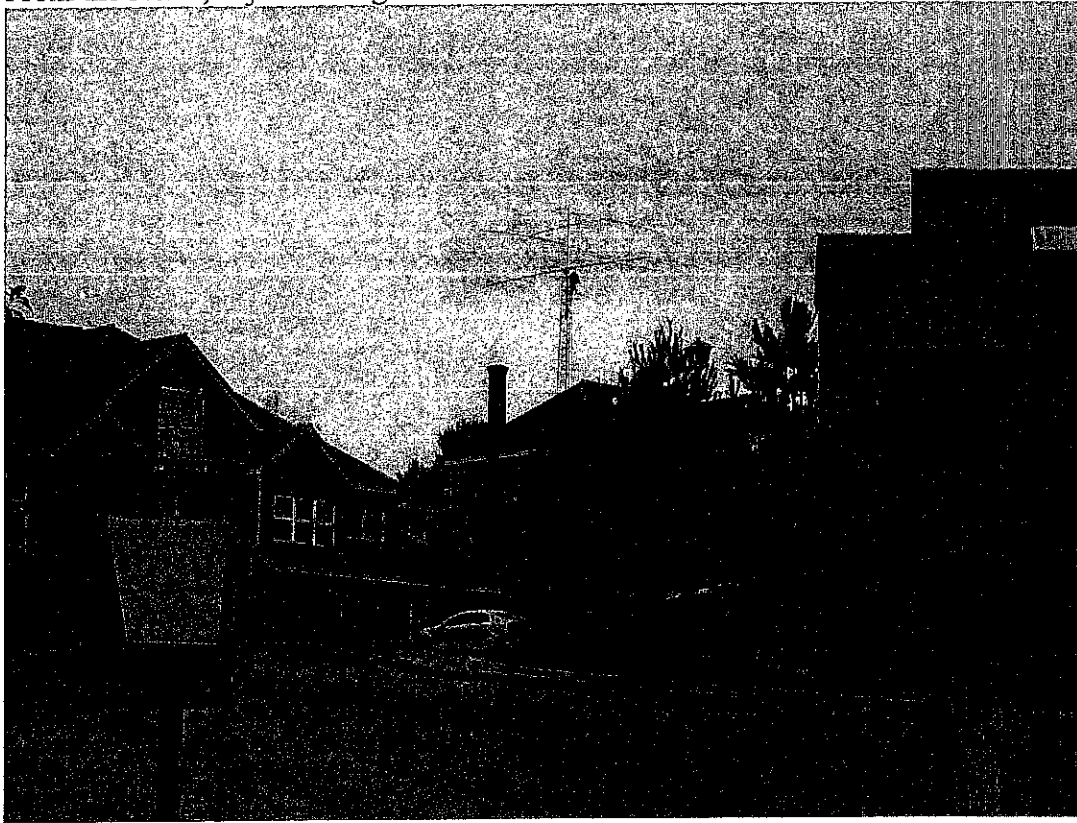
To get around the setback requirements, residents need only "attach" a free standing tower to the side of the house. This *attachment* to the house need not be structural and frequently serves no other purpose then to enable the resident to get around the setback requirements. Once attached, the tower is then exempt from all height limits and setback requirements and may be built to unlimited height.

Example radio tower at 14155 SW High Tor Dr: recently placed on residential lot and towering over the High Tor and Hillshire neighborhoods.

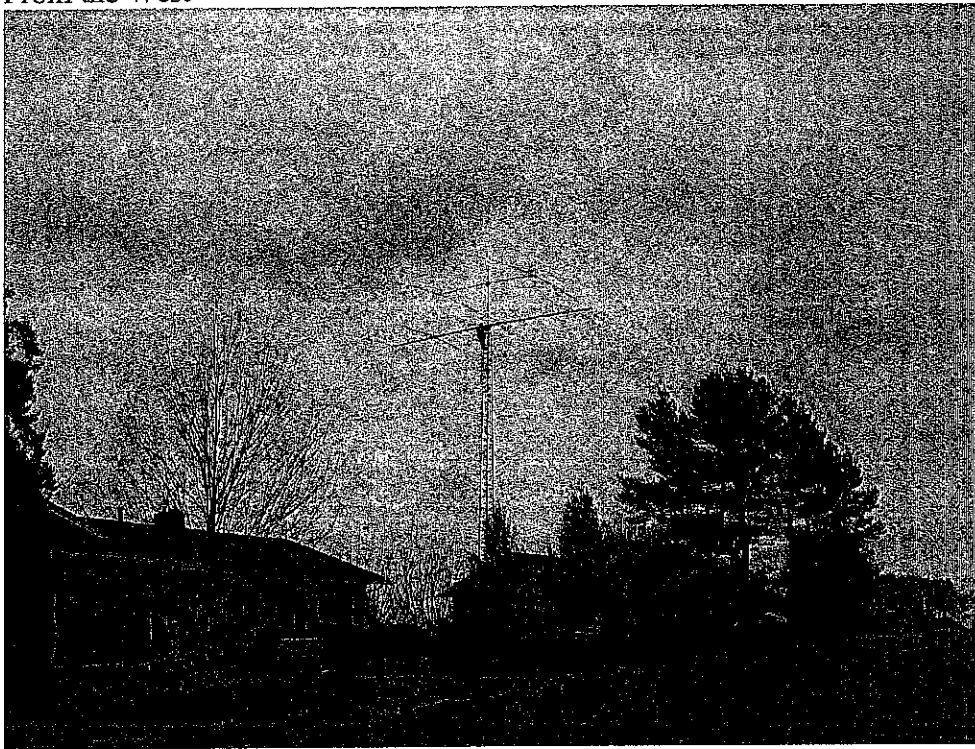
From the South

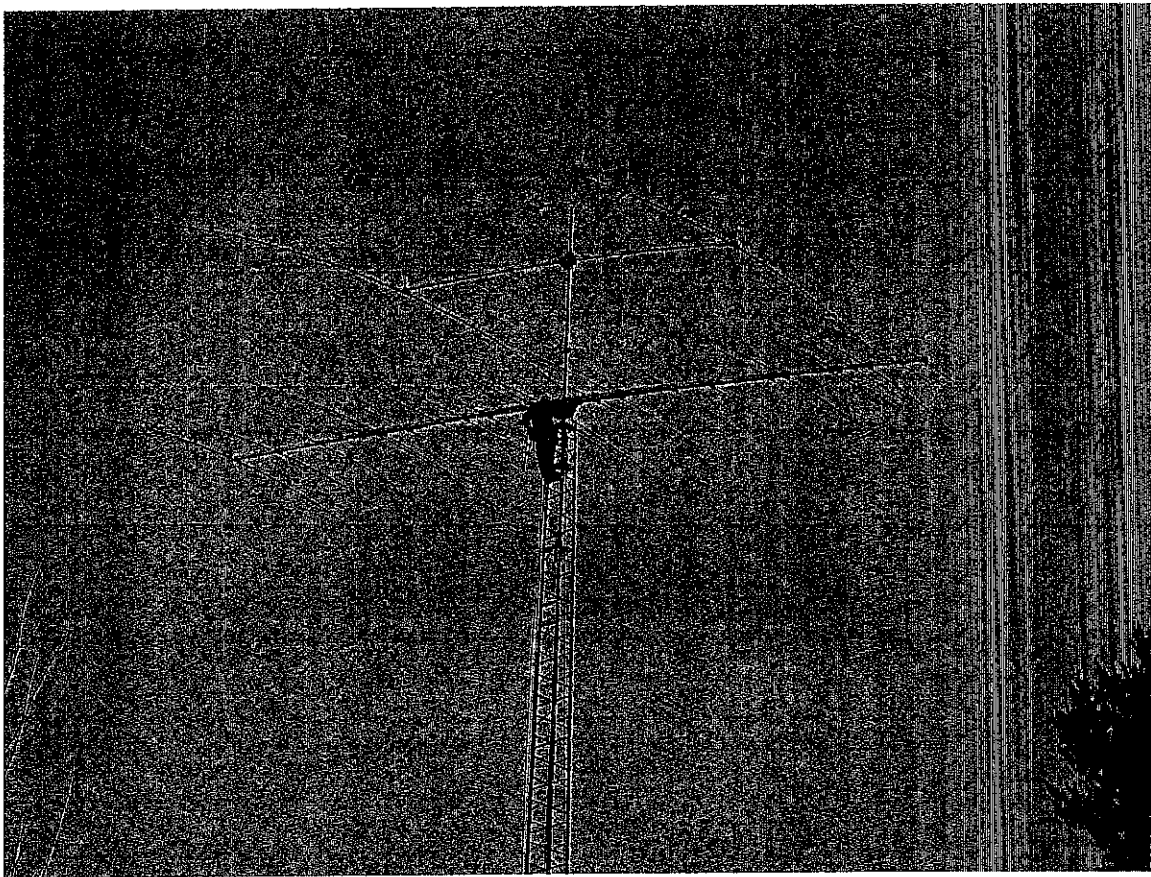


From the North, adjacent neighborhood



From the West







REQUESTED ACTION: Amend Title 18 to restore height limits and setback requirements on antenna and tower structures (attached or detached) built on residential land in Tigard. Ways this could be accomplished could include:

- remove Section 18.730.020 which enables residents to build structures of unlimited height on their residential land.
- amend Section 18.510.060 to remove the words “freestanding and detached”.

AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve the Purchase of a Loader/Backhoe from The Halton Company
PREPARED BY: Rob Block DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the purchase of a replacement loader/backhoe from The Halton Company utilizing the State of Oregon contract?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve the purchase of a loader/backhoe from The Halton Company utilizing the State of Oregon contract.

INFORMATION SUMMARY

This purchase represents a scheduled replacement of the city's 1993 436B CAT loader/backhoe, as identified in the FY 05/06 budget. The loader/backhoe is an essential vehicle in the city's fleet and will be used on a daily basis. The loader/backhoe will be equipped with the necessary accessories to allow other divisions use of the machine. The existing 1993 CAT loader/backhoe will be refurbished and transferred to the streets division where it will replace their 1987 loader/backhoe, which will then be sold as surplus.

The city is eligible to purchase from the State of Oregon contract, thus saving the city the cost and time of preparing a solicitation for a new loader/backhoe.

OTHER ALTERNATIVES CONSIDERED

The LCRB could decide not to approve the purchase of the loader/backhoe.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None.

ATTACHMENT LIST

None.

FISCAL NOTES

The cost of the new loader/backhoe is \$94,162. The FY 05/06 budget includes \$120,000 for this purchase.

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award a Construction Contract for the Information Technology Building (Niche) Electrical Upgrade and Emergency Generator Power Supply

PREPARED BY: Rob Murchison, P.E. DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

The LCRB is being asked to review and approve the construction contract for the electrical upgrade and emergency generator power supply in the City's information technology building, known as the "Niche."

STAFF RECOMMENDATION

Staff recommends awarding the contract to the lowest responsive bidder, Frahler Electric.

INFORMATION SUMMARY

The location of this proposed project is 8720 SW Burnham Street. The Niche is currently occupied by the Information Technology (IT) Department and is in need of an electrical supply upgrade. The building houses the City of Tigard's main computer server, which is the backbone of the city's computing infrastructure. It serves all city departments. With recent updates and additional software required by the departments, the computing capacity of the existing server has become limited. In addition, a previous inspection of the building demonstrated that a new generator should be installed to provide adequate backup power in the event the city power grid goes down.

The City of Tigard's Public Works Department retained R & W Engineering to study and provide drawings and electrical specifications to adequately address the existing server capacity and backup generator supply. This study, and subsequent design, recommended the current 110 volt supply be upgraded to 220 volt and that a new generator be installed.

With the design completed, staff issued an invitation to bid. A mandatory pre-bid walkthrough of the facility was held on January 24, 2006. At that time, contractors were allowed to review plans and specifications, examine the facility, ask questions, and request clarification from the engineer and city staff. Eight contractors attended the meeting with five contractors submitting bids. After evaluating all five bids, city staff deemed one bid as unresponsive because it did not include all the necessary documentation. The following remaining four bids met all requirements:

Firm	Bid
NAES – Power Maint. Resources	\$84,855.00
3D Electrical Services	\$74,100.00
Christenson Electric	\$81,885.50
Frahler Electric	\$71,353.00

The lowest responsive bid for this project was \$71,353 from Frahler Electric. With the approval of the LCRB on February 14, 2006, construction could begin within two weeks.

OTHER ALTERNATIVES CONSIDERED

The LCRB could decide not to award the contract, although this would have a negative impact on city-wide computer service.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

None.

FISCAL NOTES

The lowest responsive bid was \$71,353 from Frahler Electric. The FY 05/06 budget includes \$76,000 for this project.

AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #9 to the FY 2005-06 Budget to Increase Appropriations in the Traffic Impact Fee Fund for Funding of Walnut Street Right-of-Way Acquisition and the Street Maintenance Fee Fund for Funding of Additional Costs Related to the Pavement Major Maintenance Program.

PREPARED BY: Michelle Wareing DEPT HEAD OK JB CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Shall the City Council approve Budget Amendment # 9 to increase appropriations in the Traffic Impact Fee Fund for funding of right-of-way acquisition along Walnut Street and in the Street Maintenance Fee Fund for funding of additional costs in the Pavement Major Maintenance Program (PMMP)?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment # 9.

INFORMATION SUMMARY

The FY 05-06 Budget includes \$635,000 in the Street Maintenance Fee Fund for the Pavement Major Maintenance Program (PMMP). Due to increases in asphaltic concrete materials and extension of the Greenburg Road overlay, staff has requested an additional \$80,500 for this program. This will be funded by a contingency transfer in the Street Maintenance Fee Fund.

The FY 05-06 Budget does not include any appropriations for acquisition of right-of-way along Walnut Street. Thirty-three of the thirty-five desired parcels were acquired in FY 04-05. The two remaining property owners were resistant to selling their portion of the property that was desired by the City for right-of-way. The two property owners are now willing to sell the necessary land. The cost of the acquisition is estimated to be \$50,000. This will be funded by a contingency transfer in the Traffic Impact Fee Fund.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment # 9

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow, Transportation and Traffic, Improve Traffic Safety #1, Strategy #2- "Encourage through-traffic on major collectors and arterials."

ATTACHMENT LIST

Resolution including Attachment A

FISCAL NOTES

The Resolution will transfer \$50,000 from the Traffic Impact Fee Fund contingency to the Traffic Impact Fee Capital Improvement Project budget and transfer \$80,500 from the Street Maintenance Fee Fund contingency to the Pavement Major Maintenance Program (PMMP) Capital Improvement budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #9 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE TRAFFIC IMPACT FEE FUND FOR FUNDING OF WALNUT STREET RIGHT-OF-WAY ACQUISITION AND THE STREET MAINTENANCE FEE FUND FOR FUNDING OF ADDITIONAL COSTS RELATED TO THE PAVEMENT MAJOR MAINTENANCE PROGRAM.

WHEREAS, in FY 2004-05, the City acquired thirty-three of the thirty-five desired parcels for right-of-way along Walnut Street; and

WHEREAS, the two remaining property owners are now willing to negotiate the sale of their parcels; and

WHEREAS, the FY 2005-06 Budget does not include any appropriations for this acquisition; and

WHEREAS, staff has determined that \$50,000 will be needed from the Traffic Impact Fee Fund for the acquisition of the right-of-way; and

WHEREAS, staff has requested additional funding from the Street Maintenance Fee Fund for the Pavement Major Maintenance Program (PMMP) due to increased costs in asphaltic concrete materials and the extension of the Greenburg Road overlay; and

WHEREAS, it is necessary to amend the FY 2005-06 Budget to increase appropriations to fund these additional costs.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2005-06 Budget is hereby amended as shown in Attachment A to this resolution to transfer \$50,000 from the Traffic Impact Fee Fund contingency to the Traffic Impact Fee Capital Improvement Project budget and transfer \$80,500 from the Street Maintenance Fee Fund contingency to the Pavement Major Maintenance Program (PMMP) Capital Improvement budget.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2005-06
Budget Amendment # 9

	FY 2005-06 Adopted Budget	Budget Amendment # 9	Adopted Revised Budget
Street Maintenance Fee Fund			
Resources			
Beginning Fund Balance	\$128,136		\$128,136
Utility Fees and Charges	800,000		800,000
Interest Earnings	4,000		4,000
Transfers In from Other Funds	0		0
Total	\$932,136	\$0	\$932,136
Requirements			
Program Expenditures Total	\$0	\$0	\$0
Debt Service	\$0		\$0
Capital Improvements	\$725,000	\$80,500	\$805,500
Transfers to Other Funds	\$119,800		\$119,800
Contingency	\$80,500	(\$80,500)	\$0
Total Requirements	\$925,300	\$0	\$925,300
Ending Fund Balance	6,836		6,836
Grand Total	\$932,136	\$0	\$932,136

Attachment A
FY 2005-06
Budget Amendment # 9

	FY 2005-06 Adopted Budget	Budget Amendment # 9	Adopted Revised Budget
Traffic Impact Fee Fund			
Resources			
Beginning Fund Balance	\$1,187,867		\$1,187,867
Grants	660,000		660,000
Development Fees & Charges	735,000		735,000
Interest Earnings	40,000		40,000
Other Revenues	150,000		150,000
Transfers In from Other Funds	0		0
Total	\$2,772,867	\$0	\$2,772,867
Requirements			
Program Expenditures Total	\$0	\$0	\$0
Debt Service	\$0		\$0
Capital Improvements	\$2,051,364	\$50,000	\$2,101,364
Transfers to Other Funds	\$206,797		\$206,797
Contingency	\$325,000	(\$50,000)	\$275,000
Total Requirements	\$2,583,161	\$0	\$2,583,161
Ending Fund Balance	189,706		189,706
Grand Total	\$2,772,867	\$0	\$2,772,867

AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Intergovernmental Agreement (IGA) with Washington County for use of MSTIP3 Bike and Pedestrian Program Funds on the Washington Square Regional Center Greenbelt Trail Project

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should Council approve the attached IGA (Intergovernmental Agreement) with Washington County for use of \$250,671 in County MSTIP3 Bike/Ped funds on the Washington Square Regional Center Greenbelt Trail Project?

STAFF RECOMMENDATION

Staff recommends that Council approve, by motion, the attached IGA authorizing use of MSTIP3 Bike/Ped funds on the Washington Square Regional Center Greenbelt Trail Project.

INFORMATION SUMMARY

City Council approved Resolution No. 05-45 authorizing use of \$250,671 in County MSTIP 3 (Major Streets Transportation Improvement Program) Bike and Pedestrian Program funds for the Washington Square Regional Center Greenbelt Trail Project. This amount represents Tigard's allocation of the \$2.5 million Bike/Ped funds approved by the voters as part of MSTIP 3. This IGA between the County and the City authorizes the use of these funds for the trail project and sets out the obligations for both the County and the City. The IGA also requires County Board of Commissioners approval and is scheduled for County Board consideration at the February 21, 2006 meeting of the Board.

The Washington Square Regional Center Greenbelt Trail is part of the off-street system identified in the Washington Square Regional Center Plan. The Greenbelt Trail project includes design of the off-street trail from Hall Boulevard west across Highway 217 to connect to the Fanno Creek trail on the west side of the highway. The project is divided into two phases for right-of-way acquisition and construction. The attached vicinity map shows the entire trail alignment and identifies the two phases of the project. Phase 1 is the segment from Hall Boulevard to Highway 217. Phase 2 is the extension of the trail across Highway 217 to connect to the Fanno Creek Trail near Greenburg Road west of the highway. The scope of the trail project is for design of the entire alignment between Hall Boulevard and the Fanno Creek Trail, followed by right-of-way acquisition and construction of the segment (Phase 1) east of Highway 217 between Hall Boulevard and the highway. Because of project costs associated with crossing of Highway 217 and continuing with the trail segment west of the highway, Phase 2 of the overall trail project will be addressed at some point in the future.

The MSTIP 3 funding was originally directed towards the Tualatin River Pedestrian Bridge project and the Washington Square Greenbelt Trail project was originally approved for Federal CMAQ (Congestion

Mitigation-Air Quality) funding. Because of the need for a pre-design phase on the Greenbelt Trail project, substitution of funds between the two projects was agreed upon among Metro, Washington County and the City. The use of the local MSTIP 3 funds would allow more flexibility in the design and right-of-way acquisition leading to construction of the project. The substitution was approved by the Washington County Coordinating Committee at its meeting on June 6, 2005. Council approval via Resolution No. 05-45 was the final step required by Metro to make the substitution. Metro has already transferred the Federal funding to the pedestrian bridge project. The MSTIP 3 Bike/Ped funds are now committed to the Greenbelt Trail project. The budget amendment for the Pedestrian Bridge scheduled for Council consideration at this same meeting includes the transferred Federal CMAQ funds (\$224,928), the local match for that amount also transferred (\$25,743), and the additional local funds needed because of the cost increases on the project.

The IGA between the County and the City of Tigard authorizes the use of the MSTIP 3 funds for the trail project and will allow the project to begin the pre-design process leading to design and construction of the Phase 1 trail segment.

OTHER ALTERNATIVES CONSIDERED

The option to leave the Federal funding for the trail project in place and create a pre-design phase to be funded by Federal funds was initially considered before approval for the funding substitutions was obtained.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Both the Tualatin River Pedestrian Bridge Project and the Washington Square Regional Center Project meet the Tigard Beyond Tomorrow goal of *Alternative modes of transportation will be available and use shall be maximized*, strategy *Encourage development of alternate modes*.

ATTACHMENT LIST

1. Intergovernmental Agreement between Washington County and the City for use of MSTIP 3 funds for the Greenbelt Trail project.
2. Vicinity Map showing the trail alignment and the two project phases.
3. Resolution No. 05-45

FISCAL NOTES

The Washington Square Regional Center Greenbelt Trail project is funded as follows:

MSTIP 3 Bike/Ped funds: \$250,671

Local Funding through Parks SDC: \$18,419

Metro MTIP Funding – Federal CMAQ funds: \$160,950

Total Project Estimated Cost: \$430,020

The Tualatin River Pedestrian Bridge Project received an equivalent amount of funding (\$250,671) consisting of \$224,928 in Federal CMAQ funds and \$25,743 in local City funding (Parks SDC) as the matching funds. The

budget amendment for the pedestrian bridge project includes the \$224,928, the \$25,743 in local City funding, and additional Parks SDC needed to meet the City's share of the current project estimate.

**MAJOR STREETS TRANSPORTATION IMPROVEMENT PROGRAM
INTERGOVERNMENTAL AGREEMENT**

**BETWEEN
WASHINGTON COUNTY AND THE CITY OF TIGARD
FOR THE WASHINGTON SQUARE REGIONAL CENTER GREENBELT TRAIL
PROJECT**

THIS AGREEMENT is entered into between Washington County, a political subdivision of the State of Oregon, acting by and through its elected officials, hereinafter referred to as "County", and the City of Tigard, a municipal corporation, acting by and through its City Council, hereinafter referred to as "City".

RECITALS

1. On May 16, 1995, County voters approved a Major Streets Transportation Improvement Program - Six Year Serial Levy for Roads (MSTIP 3), including a Bike and Pedestrian Program from which the City is eligible to receive funds; and
2. The City has a project to construct a bicycle and pedestrian trail in the Washington Square Regional Center in Tigard, said improvements hereinafter called the "project", as described in the project prospectus (attached as Exhibit "A"); and
3. The estimated cost of the project is \$430,020 proposed to be paid by \$160,950 from the Federal CMAQ program, \$18,419 from CITY local funds and \$250,671 in MSTIP3 Bike and Pedestrian program funds; and
4. ORS 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all activities and functions that a party to the agreement has the authority to perform.

NOW, THEREFORE, the parties hereto agree as follows:

1. COUNTY OBLIGATIONS

- 1.1 The County hereby designates the Capital Project Management Division (CPM) Manager, Department of Land Use and Transportation, or designee, as the County's representative to be responsible for coordination of the project with the City.

- 1.2 Upon receipt of a City invoice, the County shall reimburse the City up to \$250,671 from the MSTIP 3 Bike and Pedestrian program fund for project expenses. Reimbursement shall be for eligible costs directly related to the project, including project design, right-of-way acquisition, permitting, construction, construction management and administration costs, and shall include such work performed prior to the date of this agreement. City administrative costs shall be reimbursed in accordance with the City's adopted cost allocation plan.
- 1.3 The County shall make payment to the City within 30 days of receipt of an invoice. Billings received from the City must be approved by the CPM Manager, or designee, prior to presentation to the County Finance Division for payment.
- 1.4 The County's obligations shall not be a general obligation of the County, but shall be payable solely from available funds allocated to the MSTIP program.

2. CITY OBLIGATIONS

- 2.1 The City shall submit an invoice or invoices to the County for reimbursement of project costs in a form mutually agreed to by the City and County.
- 2.2 The City shall, upon execution of this agreement, assign a liaison person to be responsible for coordination of the project with the County.
- 2.3 The City shall perform all tasks needed to implement the project, including but not limited to project design, right-of-way acquisition, permitting, construction, construction management and administration, and payment of project costs.
- 2.4 All work and records of work shall be in conformance with applicable State and local statutes and regulations. The work and records shall not conflict with any applicable ordinances or regulations.

3. GENERAL PROVISIONS

3.1 LAWS OF OREGON

The parties agree to abide by all applicable laws and regulations regarding the handling and expenditure of public funds. This agreement shall be construed and enforced in accordance with the laws of the State of Oregon. All relevant provisions required by ORS Chapters 279A-C to be included in public contracts are hereby incorporated and made a part of this agreement as if fully set forth herein.

3.2 DEFAULT

Time is of the essence in the performance of this agreement. Either party shall be deemed to be in default if it fails to comply with any provision of this agreement. The complaining party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the defect. The County shall pay the City for costs incurred for satisfactorily completed and authorized work up to the time of default, if any.

3.3 INDEMNIFICATION

This agreement is for the benefit of the parties only. Each party agrees to indemnify and hold harmless the other party and its officers, employees, and agents, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omission of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying party and its officers, employees, and agents. To the extent applicable, the above indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300). In addition, each party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of the party under this agreement.

3.4. MODIFICATION OF AGREEMENT

No waiver, consent, modification or change of terms of this agreement shall be binding unless in writing and signed by both parties.

3.5 DISPUTE RESOLUTION

The parties shall attempt to informally resolve any dispute concerning any party's performance or decisions under this agreement, or regarding the terms, conditions or meaning of this agreement. A neutral third party may be used if the parties agree to facilitate these negotiations. In the event of an impasse in the resolution of any dispute, the issue shall be submitted to the governing bodies of both parties for a recommendation or resolution.

3.6 SEVERABILITY

If any one or more of the provisions contained in this agreement is invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of the agreement will not be affected or impaired in any way.

3.7 INTEGRATION

This agreement is the entire agreement of the parties on its subject and supersedes any prior discussions or agreements regarding the same subject.

4. TERM OF AGREEMENT

4.1 The term of this agreement shall be from the date of execution until the completion of the project, but not to exceed four years.

4.2 This agreement may be amended or extended for periods of up to one year by consent of the parties. It may be canceled or terminated for any reason by either party. Termination or cancellation shall be effective 30 days after written notice to the other party, or at such time as the parties may otherwise agree. The parties shall, in good faith, agree to such reasonable provisions for winding up the project and paying for costs as are necessary.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

WASHINGTON COUNTY, OREGON

CITY OF TIGARD, OREGON

CHAIRMAN, BOARD OF COUNTY
COMMISSIONERS

MAYOR

Date: _____

Date: _____

RECORDING SECRETARY

CITY RECORDER

Approved as to Form:

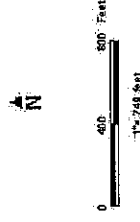
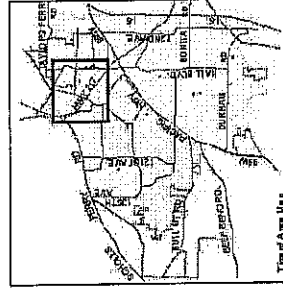
Loretta Skurdahl
Sr. Assistant County Counsel

Date: _____

CITY OF TIGARD

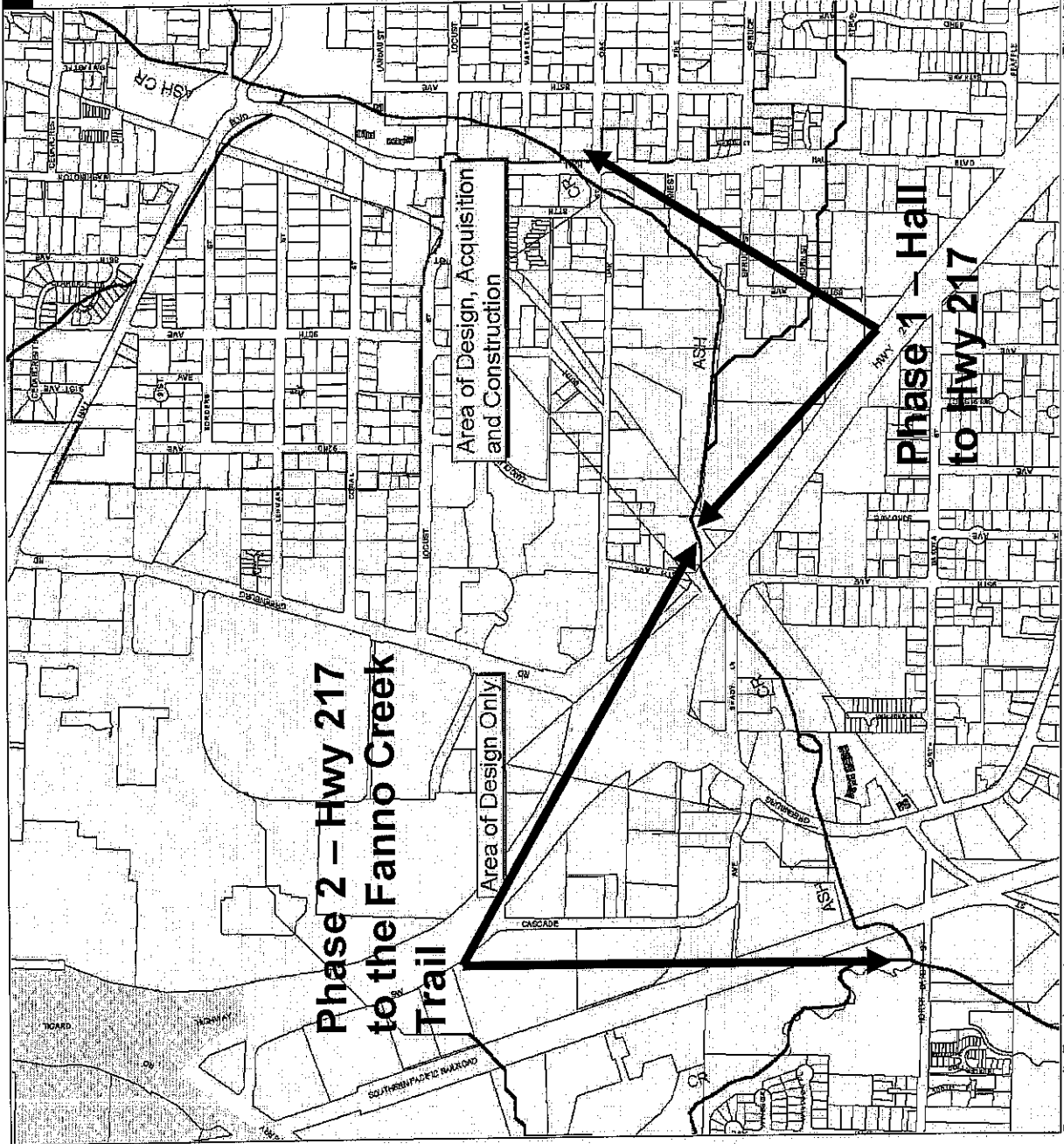
GEOMETRIC INFORMATION SYSTEM

VICINITY MAP WASHINGTON SQUARE GREENBELT TRAIL



City of Tigard

Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 539-4171
<http://www.tigard.or.us>



Community Development

Plot date: Dec 13, 2002; C:\magick\GIC03.APR

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-45

A RESOLUTION AUTHORIZING SUBSTITUTION OF FUNDING FOR THE TUALATIN RIVER PEDESTRIAN BRIDGE AND THE WASHINGTON SQUARE REGIONAL CENTER TRAIL PROJECTS.

WHEREAS, City Council by Resolution No. 05-23 approved use of \$250,671 MSTIP 3 (Major Streets Transportation Improvement Program) Bike/Ped funds for the Tualatin River Pedestrian/Bike Bridge Project, which will install a pedestrian/bicycle bridge over the Tualatin River; and

WHEREAS, the City has obtained \$430,020 in federal MTIP (Metropolitan Transportation Improvement Program) funds for the Washington Square Regional Center Trail Project; and

WHEREAS, the Washington Square Trail Project requires a pre-design planning phase, which could be funded through a redistribution of MTIP funds available to the project; and

WHEREAS, to eliminate the need to redistribute the MTIP allocations and to reduce costs by following local contracting procedures, ODOT (Oregon Department of Transportation), Metro and Washington County staff support replacement of MTIP funding on the trail project with the MSTIP funding from the pedestrian bridge project and the application of an equivalent amount of MTIP funding from that trail project to the pedestrian bridge project; and

WHEREAS, Washington County's Coordinating Committee has approved the use the City's allocation of the MSTIP 3 Bike/Ped funds for the pedestrian bridge project; and

WHEREAS, the County's Coordinating Committee has also approved the proposed substitution of funds contingent upon City Council approval and subsequent action by both Metro and ODOT to approve and execute the transfers; and

WHEREAS, if the transfer of funds does not occur for whatever reason, the status quo would be maintained.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Council authorizes the City of Tigard's allocation of \$250,671 in MSTIP 3 Bike/Ped funding approved for the Tualatin River Ped/Bike Bridge Project to be applied to the Washington Square Regional Center Trail Project.

SECTION 2: Council further approves the application of an equivalent amount in MTIP funding from the trail project to replace the MSTIP funding on the pedestrian bridge project.

SECTION 3: Council authorizes City staff to pursue approval from ODOT and Metro for the substitution of funds.


RESOLUTION NO. - 05-45

SECTION 4: Council authorizes the City Manager to execute any documents necessary in the process.

SECTION 5: In the event that the transfer of funds does not occur for whatever reason, the status quo shall be maintained.

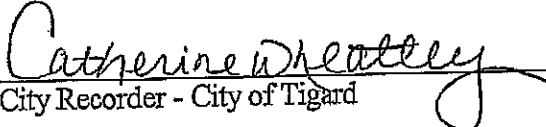
SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 28th day of June 2005.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

(\\eng\gus\resolutions\6-28-05 resolution to authorize substitution of funding for two bike-ped projects res.doc)

AGENDA ITEM # _____
FOR AGENDA OF 2/14/06

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution to Allocate Funds for Commuter Rail Shelter Upgrade

PREPARED BY: Phil Nachbar DEPT HEAD OK TC CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should Council adopt a resolution to allocate funds for FY 06-07 to pay for additional costs associated with selection of the original TriMet Commuter Rail shelter instead of TriMet's revised shelter, plus two additional foundations to allow for a 24 foot future expansion? It is necessary for Council to allocate funds now to insure changes can be incorporated into TriMet's design and construction schedule.

STAFF RECOMMENDATION

Adopt the above resolution.

INFORMATION SUMMARY

On January 17, Staff presented options to Council for a different shelter design for Tigard's Commuter Rail station in light of TriMet's decision to revise its shelter design as a cost savings measure. Council evaluated options and chose the shelter which was TriMet's original design, which is more traditional in design, and in accordance with the Downtown Task Force's design recommendations for the Commuter Rail station.

The change in cost for the original shelter is approximately \$85,000 plus \$6,000 for two additional foundations for future expansion of the shelter to an additional 24 feet.

There may be a need for additional furnishings. TriMet includes three (3) benches, two (2) light poles, and two (2) waste receptacles.

The Commuter Rail Working Group recommended specific features including entry art, an art sculpture, pavement upgrade, upgrading poles for flower baskets, and a community display. None of these items would be included as a part of this resolution. Depending on availability of funds, these items can be installed at a later time.

OTHER ALTERNATIVES CONSIDERED

None at this time.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal: Implement Downtown Plan – Implement catalyst projects.

Vision Goal: Community Character & Quality of Life, Central Business District – The Downtown will provide a gathering place for the community and honor the sense of a small town/village.

Vision Goal: Community Character & Quality of Life, Community Aesthetics – Identify and implement projects and activities that enhance aesthetic qualities valued by those who live and work in Tigard.

Vision Goal: Traffic and Transportation – #2, Alternative modes of transportation will be available and use shall be maximized.

ATTACHMENT LIST

Attachment #1 – Proposed Resolution to Allocate Funds for FY 06-07 for Commuter Rail Shelter Upgrade

FISCAL NOTES

Estimated costs are \$91,000 for the new shelter and additional foundations. Additional furnishings such as benches, windscreens, upgrading poles for flower baskets, or a community display would be in the range of \$6,000 to \$20,000.

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-

A RESOLUTION TO ALLOCATE FUNDS IN FY 06-07 FOR COMMUTER RAIL SHELTER
UPGRADE

WHEREAS, Washington County and TriMet, along with Tigard, Beaverton, Wilsonville, and other regional partners, are planning a Commuter Rail system that would carry commuters from Wilsonville to Beaverton in 2008; and

WHEREAS, TriMet, as lead agency for design and construction, has revised its base shelter design for all stations; and

WHEREAS, TriMet's revised shelter does not reflect a traditional design as referenced in the Recommended Design Elements for the Downtown Tigard Commuter Rail Station developed by the Tigard Downtown Task Force in conjunction with TriMet, and adopted by Council on March 25, 2003; and

WHEREAS, City Council has chosen to select as its Commuter Rail shelter, TriMet's original design prior to its revisions; and

WHEREAS, it is necessary for Council to allocate funds to insure that changes or modifications to the Commuter Rail station and/or shelter can be incorporated into TriMet's design and construction schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE TIGARD CITY COUNCIL THAT:

SECTION 1: Funds allocated for Downtown improvements in FY 05-06 shall be reallocated to FY 06-07 in sufficient amount to pay for additional costs for the original shelter as provided by TriMet, and two additional foundations to provide for future expansion of the shelter of up to 24 feet.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: THIS _____ DAY OF _____ 2006.

MAYOR - CITY OF TIGARD

ATTEST:

CITY RECORDER - CITY OF TIGARD

AGENDA ITEM # _____
FOR AGENDA OF 2-22-05

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution to express appreciation to Providence Health System for a recent donation to the Tigard Police Department D.A.R.E. Summer Camp program

PREPARED BY: Jim Wolf DEPT HEAD OK WMD CITY MGR OK el

ISSUE BEFORE THE COUNCIL

A resolution by the Tigard City Council expressing gratitude and commending Providence Health System for their community involvement by generously donating \$7500 to defray operational costs associated with the Tigard Police D.A.R.E. Summer Camp program.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the proposed resolution.

INFORMATION SUMMARY

The Tigard Police Department sponsors annual D.A.R.E. Summer Camp programs. The week-long camps are offered to 4th, 5th and 6th grade students free of charge. The camps offer positive summer activities while reinforcing the importance of staying drug and violence free. The purpose of the camps is to foster self-esteem, cooperation and patience. These concepts are introduced while teaching goal-setting and team-building skills.

Escalating operational costs and uncertainty for continued funding create planning challenges. The recent donation by Providence Health System allows the program coordinator to proceed on firmer ground for planning purposes. The donation may permit increasing the current five-week program to expand an additional week to allow more students to participate and benefit from this positive learning experience.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal: Improve Communication and Relationship with Citizens – Connect with students in schools.

Vision Statement:: Public Safety Target Area – Police outreach goal with the planned action to increase gang awareness and prevention programs.

ATTACHMENT LIST

Proposed resolution.

FISCAL NOTES

No cost involved

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-_____

A RESOLUTION BY THE TIGARD CITY COUNCIL EXPRESSING GRATITUDE TO PROVIDENCE HEALTH SYSTEM FOR A \$7,500 DONATION TO THE TIGARD POLICE DEPARTMENT "D.A.R.E. TO BE GREAT" SUMMER CAMPS

WHEREAS, it is a 2006 Tigard City Council goal to improve communications and relationships with citizens by connecting with students in schools; and

WHEREAS, it is a Tigard Police Department goal to foster good citizenship in our youth; and

WHEREAS, the City of Tigard operates multiple youth programs such as DARE, GREAT, Peer Court and youth summer camps through its Police Department; and

WHEREAS, Providence Health System has generously donated \$7,500 to the Police Department to allow expansion of the Tigard youth programs; and

WHEREAS, said donation will make the Tigard "DARE TO BE GREAT" camp available to a larger number of our children; and

WHEREAS, the City of Tigard Mayor and City Council wish to show their great appreciation for the generosity of Providence Health System for helping us achieve our community goals

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council extends its gratitude and commends

Providence Health System

for its generosity and partnership with the Tigard community.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Finalization of Sanitary Sewer Reimbursement District No. 35 (SW Ash Avenue)
PREPARED BY: G Berry ²³ DEPT HEAD OK *ap Duenna* CITY MGR OK *cl*

ISSUE BEFORE THE COUNCIL

Finalize Sewer Reimbursement District No. 35, established to construct sanitary sewers in SW Ash Avenue, as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approve the proposed resolution finalizing Reimbursement District No. 35 as modified by the Final City Engineer's Report.

INFORMATION SUMMARY

Council approved the formation of Reimbursement District No. 35 by Resolution No. 05-51 on August 9, 2005 following an informational hearing. One owner offered testimony during the hearing. The owner explained his opposition to the formation of the district and submitted a letter from another owner also in opposition to the district. Since then, construction of the improvements has been completed and final costs have been determined. The City Engineer's Report has been revised accordingly.

Through the City's Neighborhood Sewer Extension Program, the City has installed public sewers to each lot within the Reimbursement District. The property owners must reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, property owners must pay a connection fee, currently \$2,635, and are responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. The sewer connections are available should property owners need to connect. Owners will not be required to pay any fee until they connect to the sewer.

Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to finalize the Reimbursement District, owners within the district will be notified that the sewer is available for connection.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None applicable.

ATTACHMENT LIST

Attachment 1- Proposed Resolution
 Exhibit A, City Engineer's Report
 Exhibit B, Map
Attachment 2- Resolution No. 05-51 with Exhibits A, B (6 pages)
Attachment 3- Vicinity Map
Attachment 4- Communication Plan
Attachment 5- Notice to Owners
Attachment 6- Mailing List
Attachment 7- Resolution No. 01-46
Attachment 8- Resolution No. 03-55

FISCAL NOTES

The final cost of the project, is \$121,985.96, 10.7% higher than the engineer's estimate of \$110,215. These amounts include the cost of construction plus an amount for administration and engineering as defined in TMC 13.09.040(1).

Bids submitted by the contractors were higher than the estimated cost. However, the bids appeared reasonable and the low bid was awarded. The work was completed at a cost of about \$2,500 less than the amount of the contractor's bid. The difference was the result of actual work quantities differing from estimated work quantities. There were no other changes to the contract.

The portion of the final cost assigned to each owner is tabulated in Exhibit A of the attached proposed resolution. The cost to each owner under the Incentive Program established by Resolution 01-46 is also shown.

Funding is by unrestricted sanitary sewer funds.

Attachment 1

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 35 (SW ASH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 05-51.

WHEREAS, on August 9, 2005, the City Council approved Resolution 05-51 to form Sanitary Sewer District No. 35 to construct sewers in SW Ash Avenue in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 05-51 included the City Engineer's Report that included an estimated construction and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, the property owners within the district have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report, as recommended by the City Engineer, are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The Final City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 35, attached hereto as Exhibit A, is hereby approved.

SECTION 2 The City Engineer's Report as presented in Resolution No. 05-51 is hereby amended by the attached Final City Engineer's Report (Exhibit A).

SECTION 3 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 4 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A
Final City Engineer's Report
Sanitary Sewer Reimbursement District No. 35
(SW Ash Avenue)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee, currently \$2,635, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the nine lots in the following table required the extension of an existing sewer in SW Ash Avenue 510 feet south and west. Further extension of the line could have also provided service to 13700 SW Ash Street. However, this lot could be directly served by another existing sewer in Ash Street so it was not included in the district. City staff has discussed service options with the owner.

The project extends sewer service to a total of nine lots as shown on Exhibit Map B.

Cost

The final cost for the sanitary sewer construction to provide service to the nine lots is \$107,476.62. Engineering and inspection fees amount to \$14,509.34 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$121,985.96. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,635, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from about ten thousand to twenty-seven thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's final fair share of the public sewer line is \$0.618706 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

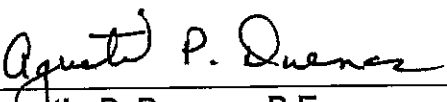
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that Reimbursement District No. 35 be finalized with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted January 31, 2006



Agustin P. Duenas, P.E.
City Engineer

I:\eng\2005-2006 fy c\plash ave ss district 35\finalization\2-14-06 reim dist 35 final report app a.doc

ASH AVENUE
Reimbursement District No. 35
Cost to Property Owners Based on Final Project Cost

December 27, 2005

Final Construction Cost	\$107,476.62
13.5% for Admin & Eng	\$14,509.34
total project costs	\$121,985.96
total area to be served (S.F.)	197,163
total cost per S.F. to property owner	\$0.618706

ASH AVENUE

Reimbursement District No. 35

*Cost to Property Owners Based on Final Project Cost
December 27, 2005*

OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	FINAL COST TO PROPERTY OWNER	* PAID BY OWNER	PAID BY CITY
ADAMS VERNE E	13565 SW ASH AVE	2S102CD01400	11699.288	\$7,238	\$6,000	\$1,238
BOONE JOE	13605 SW ASH AVE	2S102CD01800	10352.072	\$6,405	\$6,000	\$405
COX FAMILY TRUST	13580 SW ASH AVE	2S102CD02704	26706.496	\$16,523	\$7,523	\$9,000
DIGMAN DONALD C	13600 SW ASH AVE	2S102CD02710	25721.062	\$15,914	\$6,914	\$9,000
OLSON NORRIS A	13660 SW ASH AVE	2S102CD02713	24475.364	\$15,143	\$6,143	\$9,000
OSTROSKA WILLIAM L	13680 SW ASH AVE	2S102CD02716	25319.664	\$15,665	\$6,665	\$9,000
REDLINGER ELIZABETH	13630 SW ASH AVE	2S102CD02707	25103.723	\$15,532	\$6,532	\$9,000
THOMAS ROY F	13560 SW ASH AVE	2S102CD02708	27180.662	\$16,817	\$7,817	\$9,000
YARGER SEAN & APRIL	13585 SW ASH AVE	2S102CD01600	20604.994	\$12,748	\$6,000	\$6,748
Totals			197163	\$121,986	\$59,594	\$62,392
(Cost to Owners + Cost to City)						<u>\$121,986</u>

* If connections are made in accordance with the incentive program.

ASH AVENUE

FY 2005-06 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT #35

A PORTION OF THE SW 1/4 OF SECTION 2 T2S R1W W.M.



NOTE:

All properties in the reimbursement district are zoned R4.5

EXHIBIT B

NTS

CITY OF TIGARD, OREGON

RESOLUTION NO. 05- 51

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 35
(SW ASH AVENUE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 35 (SW Ash Street) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 35", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 35, SW Ash Avenue."

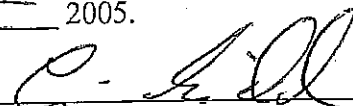
SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This 9th day of August 2005.



Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 35
(SW Ash Avenue)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,635, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the nine lots in the following table will require the extension of an existing sewer in SW Ash Avenue 510 feet south and west. Further extension of the line could have also provided service to 13700 SW Ash Street. However, this lot could be directly served by another existing sewer in Ash Street so it is not proposed to be included in the district. City staff has discussed service options with the owner.

The proposed project would provide sewer service to a total of nine lots as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the nine lots is \$97,106. Engineering and inspection fees amount to \$13,109 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$110,215. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$2,635, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from about ten thousand to twenty-seven thousand square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.5590 per square foot of lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

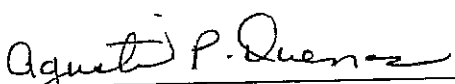
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted July 26, 2005


Agustin P. Duenas, P.E.
City Engineer

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ASH AVENUE
Reimbursement District No. 35
Estimated Cost to Property Owners
July 14, 2005

OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
ADAMS VERNE E	13565 SW ASH AVE	2S102CD01400	11699.288	\$6,540	\$6,000	\$540
BOONE JOE	13605 SW ASH AVE	2S102CD01800	10352.072	\$5,787	\$5,787	\$0
COX FAMILY TRUST	13580 SW ASH AVE	2S102CD02704	26706.496	\$14,929	\$6,000	\$8,929
DIGMAN DONALD C	13600 SW ASH AVE	2S102CD02710	25721.062	\$14,378	\$6,000	\$8,378
OLSON NORRIS A	13660 SW ASH AVE	2S102CD02713	24475.364	\$13,682	\$6,000	\$7,682
OSTROSKA WILLIAM L	13680 SW ASH AVE	2S102CD02716	25319.664	\$14,154	\$6,000	\$8,154
REDLINGER ELIZABETH	13630 SW ASH AVE	2S102CD02707	25103.723	\$14,033	\$6,000	\$8,033
THOMAS ROY F	13560 SW ASH AVE	2S102CD02708	27180.662	\$15,194	\$6,194	\$9,000
YARGER SEAN & APRIL	13585 SW ASH AVE	2S102CD01600	20604.994	\$11,518	\$6,000	\$5,518
		Totals	197163	\$110,215	\$53,981	\$56,234
						.(Cost to Owners + Cost to City) \$110,215

ASH AVENUE
Reimbursement District No. 35
Estimated Cost to Property Owners
Summary
July 14, 2005

Estimated Construction Cost	\$84,440
15% contingency (construction)	\$12,666
Estimated construction subtotal	\$97,106
13.5% contingency (Admin & Eng)	\$13,109
total project costs	\$110,215
total area to be served (S.F.)	197,163
total cost per S.F. to property owner	\$0.55900513

The "estimated cost to property owner" column shows the estimated reimbursement fee each owner is required to pay to connect to the sewer. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. This amount is shown in the "paid by owner" column. The remaining portion of the reimbursement fee that the owner will not be required to pay during this three year period is shown in the "paid by city" column.

Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000. Under Resolution 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed.

The owner would also be required to pay a connection fee; \$2,635 following June 30, 2005, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

These costs will be explained during the Neighborhood Meeting and there will be an opportunity to ask questions.

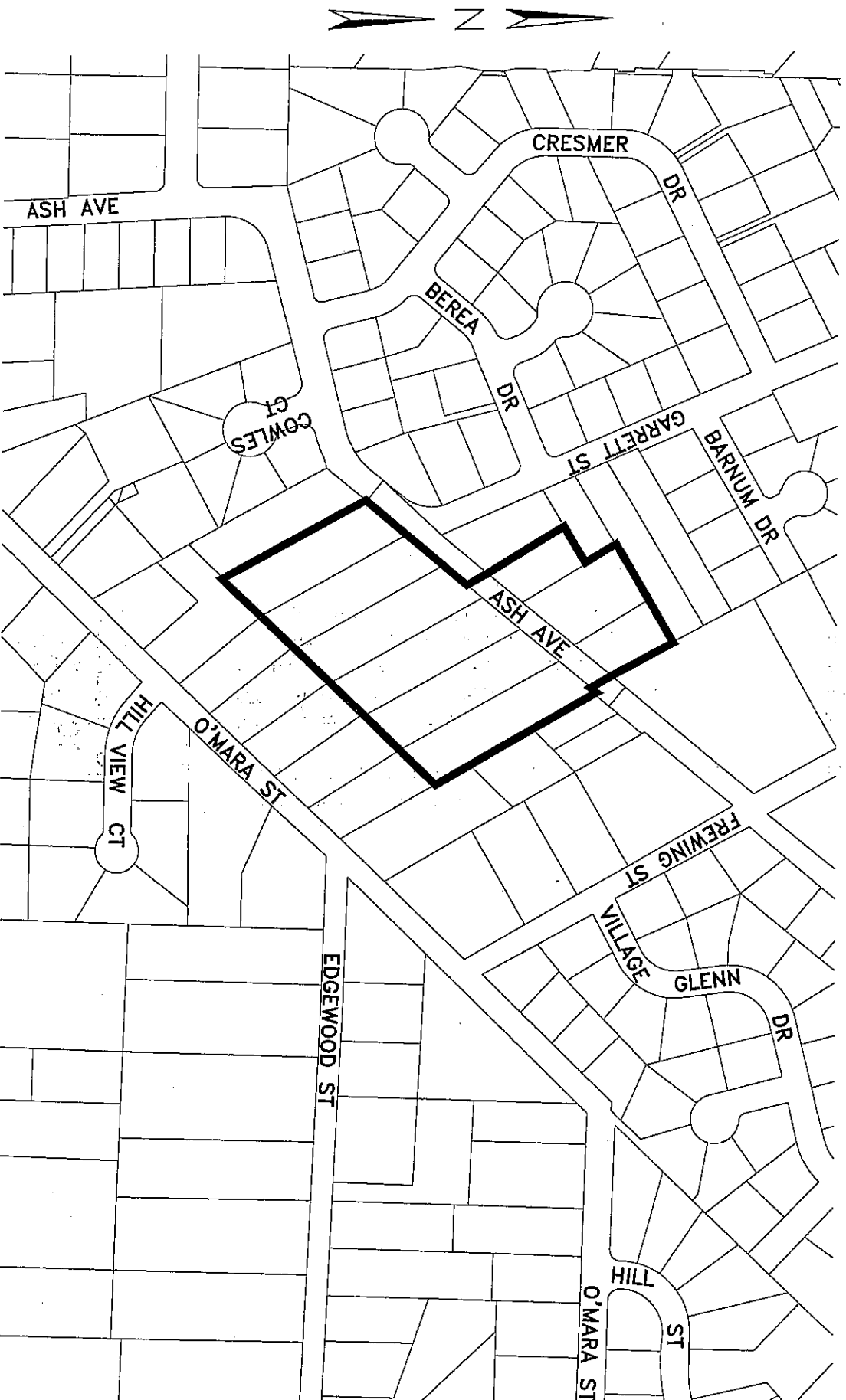
ASH AVENUE
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT #35
A PORTION OF THE SW 1/4 OF SECTION 2 T2S R1W W.M.



NOTE:
All properties in the reimbursement district are zoned R4.5

EXHIBIT B
NTS

ASH AVENUE
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT #35
A PORTION OF THE SW 1/4 OF SECTION 2 T2S R1W W.M.



VICINITY MAP
NTS

Communications Plan

SW Ash Street Sanitary Sewer Extension

Goal: Construction Sanitary Sewer Extension for Reimbursement District No. 35.

Timeline: FY 2005-06 Construction Season.

Communication Goal: To communicate to property owners within the Sanitary Sewer Reimbursement District the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
6/24/05	Neighborhood Meeting Notice	Mail Meeting Notice to property owners	Administrative Specialists
7/6/05	Neighborhood Meeting	Meet with property owners to explain procedure and to review estimated costs and construction schedule.	Engr. Manager Project Engr.
7/26/05	Hearing Notice	Mail Notice of formation of Reimbursement District to Property Owners	Administrative Specialists
8/9/05	Formation Hearing	City Council reviews and forms proposed Sanitary Sewer District	Project Engr.
8/10/05	Notice of Decision	Mail Notice of Decision to property owners within District	Administrative Specialists
8/18/05	Advertisement	Submit advertisement for bids to DJC and TT	Administrative Specialists
9/1/05	Bid Opening	Opening of Bids at public bid opening.	Engr. Manager Administrative Specialist
9/14/05	Award Bid	Send Notice of Award and contract documents to lowest bidder	Administrative Specialists
10/3/05	Pre-Construction Meeting	Meet with contractor to review project requirements	Construction Inspector
10/3/05	Notice to Proceed	Authorize contractor to begin work.	Administrative Specialists
10/3/05	Traffic Control Plan	Plan needs to be approved by construction inspector and project manager	Construction Inspector Engr. Manager
Throughout construction	Lateral Locations	Confirm location of laterals with property owners	Construction Inspector
Throughout construction	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Construction Inspector Contractor
Throughout construction	Construction Inspection	Inspector is available to receive and respond to complaints	Construction Inspector
10/24/05	Notice to property owners of final hearing	Mail hearing notice, resolution, property owner cost to each property owner.	Project Engr. Administrative Specialists
11/8/05	Final hearing	Council approves final costs to owners	Project Engr.
11/9/05	Notice of sewer availability	Mail approved resolution with final costs to each property owner	Engr. Manager Administrative Specialists

Prepared by: *Berry*

Approved by: *Agust P. Quenz*

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January 30, 2006

**NOTICE
of
PUBLIC HEARING
Tuesday, February 14, 2006
7:30 PM
Tigard Civic Center
Town Hall**

The following will be considered by the Tigard City Council on February 14, 2006 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 35 (SW Ash Avenue). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 35 formed to install sewers in SW Ash Avenue.

Each property owner's recommended fair share of the public sewer line is \$0.618706 per square foot of the lot served as shown on the enclosed list. For owners with a fair share amount of \$15,000 or less, the owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01- 46.

ADAMS VERNE E
13565 SW ASH
TIGARD, OR 97223

YARGER SEAN & APRIL
13585 SW ASH AVE
TIGARD, OR 97223

BOONE JOE LEE & WINIFRED ROBERT
13605 SW ASH AVE
TIGARD, OR 97223

THOMAS ROY F
13560 SW ASH
TIGARD, OR 97223

COX FAMILY TRUST
13580 SW ASH AVE
TIGARD, OR 97223

DIGMAN DONALD C
13600 SW ASH
TIGARD, OR 97223

REDLINGER ELIZABETH
13630 SW ASH AVE
TIGARD, OR 97223

OLSON NORRIS A
13660 SW ASH AVE
TIGARD, OR 97223

OSTROSKA WILLIAM L
13500 SW PACIFIC HWY #235
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

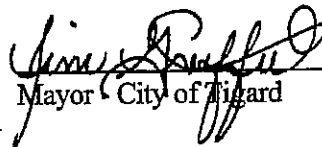
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

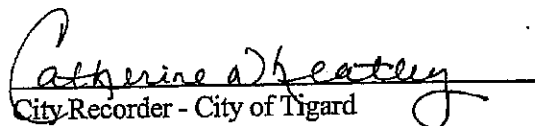
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55**A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

RESOLUTION NO. 03- 55

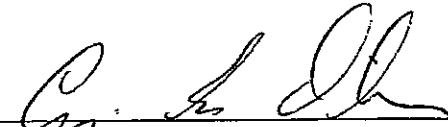
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

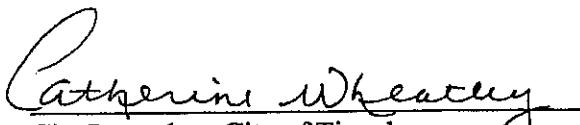
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.


~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheately
City Recorder - City of Tigard

h:\eng\reg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

AGENDA ITEM # _____
FOR AGENDA OF 2/14/06

**CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY**

ISSUE/AGENDA TITLE Affordable Housing Fee Assistance Request

PREPARED BY: Duane Roberts DEPT HEAD OK TC CITY MGR OK cl

DEPT HEAD OK

CITY MGR OK

ISSUE BEFORE THE COUNCIL

Should Council award budgeted housing fee assistance funds to an applicant seeking assistance? The applicant is seeking \$2,243 in City assistance.

STAFF RECOMMENDATION

After reviewing the completed application and listening to the presentation, Council should act on the request. Staff has reviewed the application and determined that the request complies with all program guidelines.

INFORMATION SUMMARY

In September 2002, Council adopted the Affordable Housing Program, intended to emphasize and encourage affordable housing in the Tigard community. The program includes a range of land use and non-land use affordable housing promotion tools and strategies. One of the non-land use tools is a budget set-aside designed to offset fees and charges imposed on affordable housing acquisition, development, and rehabilitation. A copy of the adopted guidelines that define the requirements and conditions for the award of the subsidy funds to housing providers is attached (Attachment 1).

FY 05-06 is the fourth year of the fee assistance program. According to program guidelines, applications are accepted twice per year. No applications were received during the first round of the FY 05-06 funding period. One application was received during the second intake period ending in December 05. This one application is a request for \$2,243 to offset building permit fees on major repairs to a five-person group home located on Hall Boulevard.

The applicant in question is Luke-Dorf, a non-profit community mental health agency located in Tigard since its founding in 1977. Along with outpatient services, Luke-Dorf provides low-income disabled clients with safe and affordable housing. The agency's fee assistance request relates to the renovation and expansion of a five-bedroom house that currently is used as a residence for clients who are participating in a "Dual Diagnosis" program and require drug free housing as part of their individual treatment program.

The project meets City guidelines with respect to eligible activities, zoning, tenant income, and time limits. All residents will have incomes below 50% of median income and will be charged rents based on a sliding scale established by the State. With regard to guideline #7, the agency recently has applied for enrollment in the City Enhanced Safety Program, and the Executive Director verbally has agreed to maintain long-term certification. Guideline #11 states that the maximum amount of program dollars available is \$500 per unit. The term unit is undefined. Although the structure under discussion is a single family five-bedroom house, it will function as a

group living facility for unrelated individuals. This would make the Luke-Dorf facility eligible for up to \$2,500 in City fee assistance. The dollar amount requested is within this allowed maximum.

As indicated in guideline #8 of Attachment 1, an in-person presentation to City Council is required as part of the application process. Luke-Dorf Executive Director, Howard Spanbock, will be present at the February 14th meeting to discuss the organization's request and to answer any questions Council may have.

OTHER ALTERNATIVES CONSIDERED

Award fewer or no dollars.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management Goal #3 calls for the City to encourage and support "private sector programs to maintain diverse and affordable housing."

ATTACHMENT LIST

Attachment #1: Affordable Housing Fee Assistance Guidelines

Attachment #2: Affordable Housing Fees and Charges Assistance Request

FISCAL NOTES

A total of \$2,243 in fee assistance is requested. The approved 05/06 Community Events and Social Services budget is \$10,000. Any funds not used during the fiscal year will return to the General Fund budget.

Affordable Housing Fee Assistance Guidelines

1. Both for- and not-for-profit entities are eligible to apply for affordable housing fee assistance funds.
2. Eligible activities include affordable housing acquisition, development, and rehabilitation. Affordable housing acquisition and development will receive greater consideration than rehabilitation.
3. High consideration will be given to projects that facilitate the dispersal of affordable housing within the City.
4. The proposed project must be consistent with City housing policies and applicable planning and zoning standards.
5. Only units targeted to households earning at or below 50% of median income are eligible for City funds. Units targeted to households earning 60% of median income are eligible when the project includes an equal number of units serving households at or below 50% of median.
6. The organization guarantees that the housing produced or rehabilitated will maintain long-term affordability, with long-term defined as the longer of 25 years, or, if applicable, the life of any State or Federal loan used to finance the project.
7. The organization guarantees that the project will be enrolled in the City Enhanced Safety Program (ESP) and maintain ESP certification for the respective (a.) period of long-term affordability defined in guideline #5, or (b.) the life of the ESP program.
8. Council review and approval of each separate award will be required. This review will include an in-person presentation to Council by a representative of the organization making the request.
9. The time limit on the use of the funds is two years.
10. Applications for assistance will be accepted twice per year. Applications shall be submitted on forms provided by the City of Tigard.
11. The maximum amount available is \$500 per qualified unit, up to the current Social Services and Events Fund affordable housing set-aside line item balance.

Tigard Affordable Housing Fee Assistance Program

City of Tigard, Oregon
13125 SW Hall Blvd.
Tigard, Oregon 97223
503-639-4171

FY 2004-05

AFFORDABLE HOUSING FEES AND CHARGES ASSISTANCE REQUEST

Organization Name: **Luke-Dorf, Inc.**
Address: **10313 SW 69th Ave**
City, State, Zip: **Tigard, OR 97223**
Contact Name: **Howard Spanbock**
Telephone Number: **503-624-0866 x14**
Email address: **hspanbock@luke-dorf.org**

Address/location of the project site:

[Note: only projects located within the Tigard City limits are eligible for funding assistance]:

**10855 SW Hall Blvd,
Tigard, OR 97223**

1. Briefly describe your organization and the type(s) of affordable housing opportunities you provide or are seeking to provide.

Luke-Dorf is a not for profit (501 C3) community mental health agency, that has been located in Tigard since it's founding in 1977. Along with outpatient services Luke-Dorf provides low income disabled clients with safe and affordable housing. The housing choices are in the form of State licensed treatment homes or independent supported apartments/group homes.

2. Describe the activity for which you are requesting fee relief.

Luke-Dorf has been awarded a Community Development Block grant to renovate a five person group home located on Hall Blvd. We are requesting relief regarding our city building permit fees.

3. Describe the fees and charges (including amounts per unit) that you are seeking City funds to offset.

The City has charged \$2,243.79 to process our building permits needed to accomplish the renovation.

4. Describe the status of all necessary land use, zoning, and building plan approvals.

All approvals have been met, and the permits have been purchased.

5. Indicate whether the project will require the relocation of any household or business.

No relocation will be needed.

6. Request (express in whole dollar amounts only): [Note: the City budget amount available for all projects combined during FY 04-05 is \$10,000.]

Dollar amount per unit	\$ 448.75
Number of units	5
Total Request	\$2,243.75

7. Briefly describe how your project addresses each of the guidelines adopted by the Tigard City Council for considering fee assistance requests. Omit guidelines 7 & 9. [Use and insert additional page if needed.]

- 1. Luke-Dorf is a Not For Profit Corp.**
- 2. The project provides affordable housing for disabled clients.**
- 3. The project maintains existing affordable housing.**
- 4. The project is pre existing and meets all City policies, and zoning standards.**
- 5. All residents are below the 50% threshold of median income.**
- 6. Luke-Dorf guarantees that the project will remain in service to low income disabled clients for at least 30 years, as required by the Community Development Block Grant.**

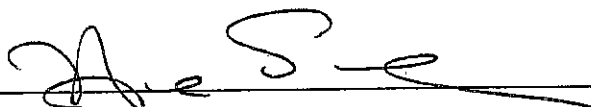
8. Describe when you anticipate being able to use the requested funds.

Funds will be used immediately upon receipt.

9. Certification

I hereby certify, by signature below, that the information contained in this application is true and correct to the best of my knowledge.

Date: Dec 28, 05

Signature: 

Typed Name and Title: Howard Spanbock, LCSW, CADCI, Executive Director

Note: Submit one original of the completed application. The application deadline is 4:00 pm, December 24, 2004, at Tigard City Hall. Applications transmitted by fax or email will not be accepted. Mail or deliver to:

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Should you have any questions about how to complete the application form, contact Duane Roberts; 503-718-2444; duane@ci.tigard.or.us.

AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider the Tualatin River Bicycle and Pedestrian Bridge Intergovernmental Agreement (IGA) with the Cities of Durham and Tualatin and Clean Water Services

PREPARED BY: Dan Plaza DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Consider the Tualatin River Bicycle and Pedestrian Bridge IGA, which makes Clean Water Services (CWS) a full partner in the construction and maintenance of the bridge and commits additional city funds to construct the project.

STAFF RECOMMENDATION

Staff recommends the Council approve the IGA.

INFORMATION SUMMARY

In February, 2004, the Council approved an IGA with the Cities of Durham and Tualatin to construct the Tualatin River Bicycle and Pedestrian Bridge.

At the January 24, 2006, Council meeting, the Council was informed that the Tualatin River Bicycle and Pedestrian Bridge project had incurred significant cost increases. The Council decided to commit additional funds to the project, with Tigard's total share of the construction cost at \$592,578, an increase of \$362,578. To formalize this action, and to include CWS in the partnership, the Council is asked to consider the attached IGA. The IGA makes CWS a full partner in the construction and maintenance of the bridge and officially commits additional city funds the project.

Council further directed staff to prepare a letter setting forth its commitment to the additional funding. The letter was delivered to the City of Tualatin prior to the January 31, 2006, ODOT deadline and is attached for your reference.

The IGA has been reviewed and approved by the City Attorney's office.

OTHER ALTERNATIVES CONSIDERED

The Council could decide not to approve the IGA.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal – "Addressing Growth – Acquire and Develop Park Land and Open Space"

Tigard Beyond Tomorrow, Urban and Public Services, Parks and Greenways #2 – "Open space and greenway areas shall be preserved and protected." Strategy #1 – "acquire and develop park land."

ATTACHMENT LIST

January 30, 2006, Letter from Mayor Dirksen to Tualatin City Manager Steve Wheeler
Tualatin River Bicycle and Pedestrian Bridge Intergovernmental Agreement

FISCAL NOTES

Tigard's financial share, as set forth in the IGA, for constructing the bridge is \$592,578 of which \$224,928 is from Metro Transportation Improvement Program (MTIP) funds and \$367,650 is from parks system development charge (SDC) monies.

January 30, 2006



Mr. Steve Wheeler, City Manager
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

Dear Steve:

Thank you for attending the Council meeting on January 24, 2006. Your presence, along with Paul Hennon, assisted the Council in making a very important decision pertaining to the funding of the Tualatin River Bicycle and Pedestrian Bridge. The Council motion follows:

"Motion by Councilor Sherwood, seconded by Councilor Wilson, to approve additional funds needed for the bridge and for confirmation of this approval to be conveyed by letter to the City of Tualatin; a budget amendment will be considered by the City Council on February 14, 2006. After discussion, Councilor Wilson amended his motion to note the amount of Tigard's share for the bridge is now \$592,578.00."

A copy of Resolution No. 06-03 is attached. As stated in the motion, the Council, on February 14, 2006 will consider adoption of the budget amendment necessary to fund this project. Also, the Council will consider adopting the IGA between Clean Water Services and the cities of Tualatin, Tigard, and Durham.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Dirksen", is written over the word "Sincerely,".

Craig E. Dirksen, Mayor
City of Tigard

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE CITIES OF TUALATIN, TIGARD AND DURHAM AND CLEAN WATER SERVICES FOR TUALATIN RIVER BICYCLE AND PEDESTRIAN BRIDGE

This intergovernmental agreement, ("Agreement") is entered into on the last date shown on the signature page by City of Tualatin ("Tualatin"), City of Tigard ("Tigard"), City of Durham ("Durham"), all political subdivisions of the State of Oregon, and Clean Water Services ("District"), a county service district (collectively, the "Parties").

RECITALS

1. ORS 190.007 provides for the furthering of economy and efficiency in local government by intergovernmental cooperation.
2. ORS 190.010 provides that units of government may enter agreements for performance of any and all functions and activities that parties to the agreement, its officers or agencies have authority to perform.
3. The Parties desire to enter into this Agreement for the purposes of allowing coordination, cost-sharing, and joint ownership, liability and on-going maintenance between Tualatin, Tigard, Durham, and District associated with the development and operation of the Tualatin River Bicycle and Pedestrian Bridge, ("Project"). The Project includes the construction of the portion of the District's Lower Tualatin Force Mains and appurtenant systems (including air and vacuum relief valves and electrical and instrumentation conduit and wiring) that are on the bridge and within the work limits of the Project ("Force Mains").
4. Tualatin, Tigard, Durham, and District will all benefit from coordinating the planning, engineering, and permit review for the development of the Project.
5. The Parties desire the Project to be constructed. The Project is being partially funded in cooperation with the Oregon Department of Transportation ("ODOT") through the award of Transportation Enhancement ("TE") Funding.

The Parties desire to share the cost of the Transportation Enhancement Program required Local Agency match for the bicycle and pedestrian bridge portion of the Project. District will provide one hundred percent

(100%) of the funding for the Project costs attributed to the Force Mains portion of Project.

6. The Parties believe that it is in the best interests of Tualatin, Tigard, Durham, and District to coordinate the cost of the long-term maintenance of the Tualatin River Bicycle and Pedestrian Bridge.

THE CITIES OF TUALATIN, TIGARD, DURHAM AND CLEAN WATER
SERVICES AGREE AS FOLLOWS:

I. OWNERSHIP AND AREA AFFECTED BY THIS AGREEMENT

The Parties shall jointly own the Project in proportion to their financial contribution for construction. However, only the District shall own the Force Mains.

The area affected by this Agreement is Tualatin River Bicycle and Pedestrian Bridge, and connecting pathways as shown in Exhibit 1, which is attached and incorporated into this Agreement, and any additional public land that may become part of the Project area.

The Parties hereby grant permission for use of properties in public ownership as required for construction and continued use and maintenance of Project.

All city Parties agree to cause the work when complete to be open for public recreational use as mutually agreed by the city Parties.

II. DELEGATION OF AUTHORITY

Tigard, Durham, and District delegate to Tualatin the authority to review, approve, and hear appeals, if any, for all design, bidding, permitting and construction management for that portion of the Tualatin River Bicycle and Pedestrian Bridge Project that lie within the cities of Tigard and Durham. Tualatin shall apply Tigard City Code to property located in Tigard, and Durham City Code to property located in Durham. In addition to the construction management provided by Tualatin the District shall also perform construction inspection services for the Force Mains.

III. FUNDING FORCE MAINS AND SHARING OF LOCAL AGENCY MATCH COSTS

District shall be solely responsible for the costs associated with design and construction of the Force Mains. The Project shall be bid to allow for attribution of costs related to the Force Mains.

Any sensitive area mitigation required for the Project shall be considered a Project cost and will be subject to the following cost-sharing percentages.

Tualatin, Tigard, Durham, and District agree that the cost of the Local Agency match for the TE funding for the Project less the cost of the Force Mains shall be apportioned as follows:

		<u>%</u>
Tualatin:	\$ 412,228	25.3
Tigard:	\$ 592,578	36.3
Durham:	\$ 25,764	1.6
District:	\$ 600,000	36.8
Total Match:	\$1,630,570	100

These are the maximum costs based on the 100% preliminary engineering cost estimates. If additional funding is required, it shall be borne by the three cities with contributions falling back to the original partnership terms of Tualatin 40%, Tigard 57.5% and Durham 2.5%. In no event shall District's contribution exceed \$600,000, unless District chooses to increase contribution. If less funding is required, the savings shall be distributed to each agency based on the percentages shown above. Parties shall contribute ODOT-required deposits in the amount of 110% of costs prior to each phase of work.

IV. SHARING OF MAINTENANCE COSTS

Tualatin, Tigard, Durham, and District agree that the cost of maintenance of the Tualatin River Bicycle and Pedestrian Bridge shall be shared between the three cities and District continuously for the useful life of the bridge, projected to be 75 to 100 years, and apportioned as follows:

	<u>%</u>
Tualatin	35
Tigard	45
Durham	5
District	15

The sharing of maintenance costs shall apply only to the bridge structure itself. Tualatin will be the lead agency in carrying out regularly scheduled maintenance activities on the bridge. The respective managers for the parties shall coordinate the dispersal of maintenance funds when appropriate. District shall be solely responsible for maintaining the Force Mains and the costs thereof.

V. CITY OF DURHAM AND DISTRICT COOPERATION

There will be work related to the Project that will involve construction of the Force Mains north of the Project through Durham City Park to the District's Durham treatment plant. District shall be solely responsible for the costs of this work and corresponding park restoration. The District and Durham shall mutually negotiate the terms of any easement required to place and maintain District Force Mains on Durham's property. Easements shall be granted and the permitting process shall not impose extraordinary or unreasonable costs or conditions.

VI. DISPUTE RESOLUTION

If a dispute arises over the provisions of this Agreement that staff cannot resolve despite their best efforts, the staff for each entity will immediately refer the dispute to their respective managers to resolve the dispute.

VII. NOTICE OF APPLICATIONS, DECISIONS and APPEALS

Tualatin shall give notice to Tigard, Durham, and District of all land use applications, hearings, decisions, building permits, and any appeals of those decisions made under the authority of this Agreement. Tualatin shall have the authority to defend any claims or appeals rising from permits issued under this Agreement. Tigard, Durham, and District may comment on, participate in, and intervene in any appeal of such decision.

VIII. TERM OF AGREEMENT

This Agreement shall be effective upon signature and shall remain in effect for the projected 75 to 100-year useful life of the Tualatin River Bicycle and Pedestrian Bridge.

IX. COMPLIANCE WITH LAWS

Each Party shall comply with all applicable federal, state and local ordinances, statutes, and regulations that are applicable to the services provided under this Agreement.

X. INDEMNIFICATION AND INSURANCE

Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each Party agrees to hold harmless, defend, and indemnify each other, including its officers, agents and employees, against all claims, demands, actions and suits (including attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.

The Parties shall carry liability, property and flood insurance on the bridge and ramps. Tualatin will be the lead agency in securing said insurance and the costs shall be apportioned in accord with the apportionment of maintenance costs set forth in Section IV above.

XI. MODIFICATION

Modifications to this Agreement are valid only if made in writing and signed by all Parties. This writing is intended to be the final expression of the agreement between the Parties with respect to the included terms as a complete and exclusive statement of the terms of the Agreement.

In WITNESS THEREOF, the Parties have executed this Intergovernmental Agreement on the date below their signatures.

CITY OF TUALATIN, OREGON

CITY OF TIGARD, OREGON

By: _____
Lou Ogden, Mayor
City of Tualatin

By: _____
Craig Dirksen, Mayor
City of Tigard

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

City Attorney

City Attorney

CITY OF DURHAM, OREGON

CLEAN WATER SERVICES

By: _____
Gery Shirado, Mayor
City of Durham

By: _____
Robert C. Cruz, Deputy General
Manager, Clean Water Services

Date: _____

Date: _____

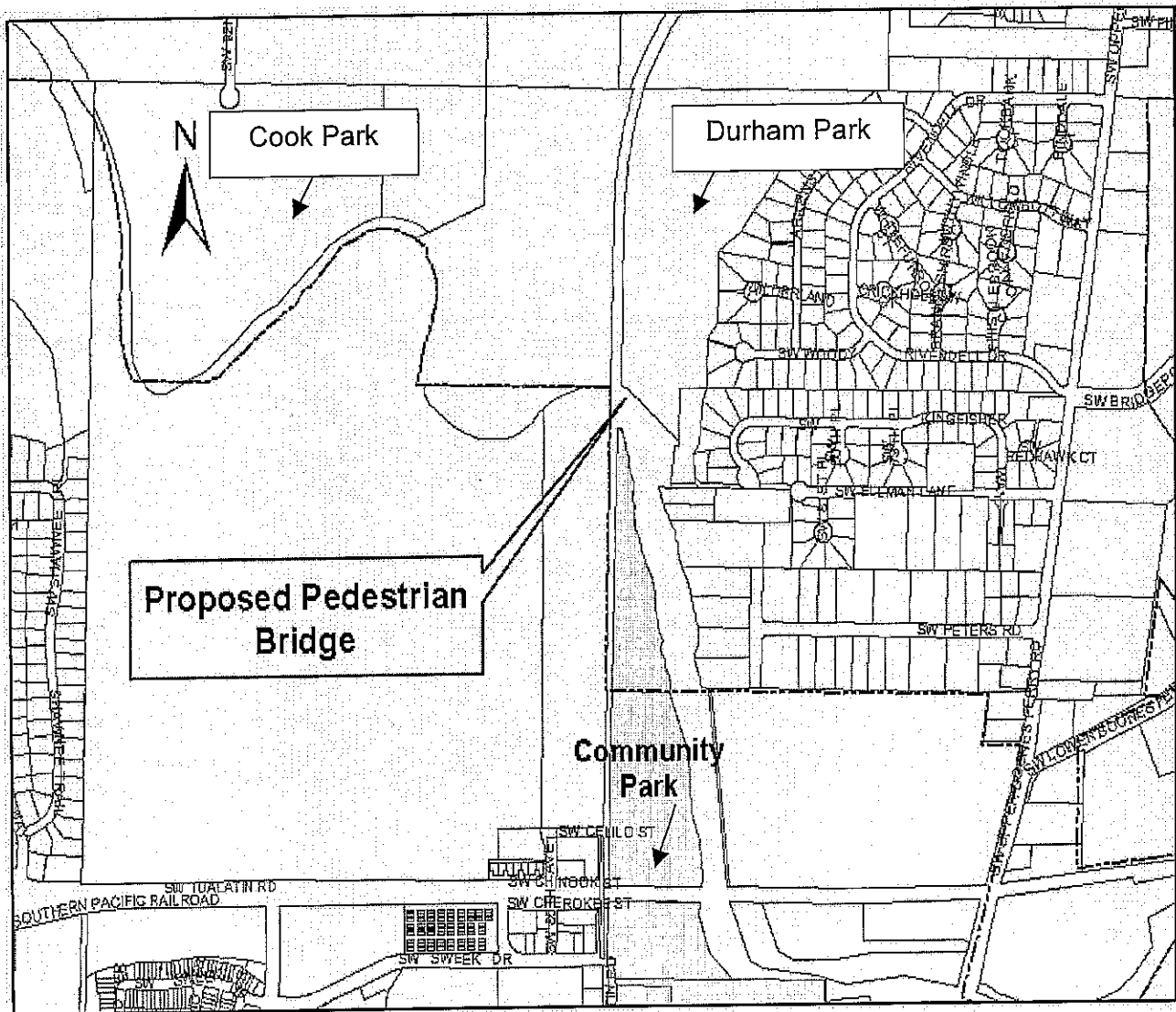
Approved as to Form:

Approved as to Form

City Attorney

District Council

Exhibit 1
Location/Vicinity Map
Tualatin River Bicycle and Pedestrian Bridge



AGENDA ITEM # _____
FOR AGENDA OF February 14, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #8 to the FY 2005-06 Budget to Increase Appropriations in the Parks Capital Improvement budget for Funding of Additional Costs Related to the Tualatin River Bicycle and Pedestrian Bridge

PREPARED BY: Michelle Wareing DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Shall the City Council approve Budget Amendment # 8 to increase appropriations in the Parks Capital Improvement budget to fund Tigard's share of increased costs for the Tualatin River Bicycle and Pedestrian Bridge?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment # 8.

INFORMATION SUMMARY

At the January 24, 2006 Council meeting, Council members agreed to continue Tigard's participation in the Tualatin River Bicycle and Pedestrian Bridge program and to fund Tigard's share of the increased costs related to the project. This budget amendment appropriates the additional funds needed.

The FY 05-06 Budget includes \$250,125 in the Parks Capital Fund to pay for Tigard's share of a pedestrian bridge that crosses the Tualatin River at Cook Park and links Tigard to Tualatin and Durham. Additional costs have arisen since the budgeted amount was adopted. The additional costs are due to the bridge structure needing to be longer than originally envisioned, steel and concrete costs increasing significantly, and design complexity. Tigard's share of the additional costs is \$342,453.

As the contingency of \$150,000 in the Parks Capital Fund is insufficient to cover the total additional funding needs, staff is recommending that a portion of the appropriations from the Washington Square Regional Center Trail that was budgeted in FY 05-06, but has been postponed until FY 06-07 be used to fund the additional \$192,453. Tigard's total cost of \$592,578 will be paid for with Metro Transportation Improvement Program (MTIP) monies in the amount of \$224,928 and Park System Development Charges (SDCs) of \$367,650.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment # 8

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Council Goal – “Addressing Growth – Acquire and Develop Park Land and Openspace”

Tigard Beyond Tomorrow, Urban and Public Services, Parks and Greenways #2 – “Open space and greenway areas shall be preserved and protected.” Strategy #1- “Acquire and develop park land.”

ATTACHMENT LIST

Resolution including Attachment A

FISCAL NOTES

The Resolution will transfer \$150,000 from the Parks Capital contingency to the Parks Capital Improvement Project budgets. This Resolution will also transfer \$192,453 of budgeted appropriations from the Washington Square Regional Center Trail, as this project has been postponed, to the Tualatin River Bicycle and Pedestrian Bridge project.

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #8 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE PARKS CAPITAL IMPROVEMENT BUDGET FOR FUNDING OF ADDITIONAL COSTS RELATED TO THE TUALATIN RIVER BICYCLE AND PEDESTRIAN BRIDGE.

WHEREAS, in February 2004, the City Council approved an intergovernmental agreement with the cities of Durham and Tualatin to construct the Tualatin River Bicycle and Pedestrian Bridge; and

WHEREAS, the costs related to the project have increased significantly due to the bridge structure needing to be longer than originally envisioned, steel and concrete costs increasing significantly, and design complexity; and

WHEREAS, on January 24, 2006, Council gave approval to fund Tigard's share of the additional costs; and

WHEREAS, the total additional funding needed for this project is \$342,453; and

WHEREAS, the Parks Capital fund does not have a sufficient contingency to fund the total additional cost; and

WHEREAS, staff has identified that the Washington Square Regional Center Trail which was budgeted in FY 05-06, but has been postponed until FY 06-07 and therefore, \$192,453 of this project's appropriations can be used to fund the Bridge project; and

WHEREAS, it is necessary to amend the FY 2005-06 Budget to increase appropriations to fund these additional costs.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2005-06 Budget is hereby amended as shown in Attachment A to this resolution to transfer \$150,000 from the Parks Capital Fund contingency to the Parks Capital Improvement Project budgets.

This Resolution will also transfer \$192,453 of budgeted appropriations from the Washington Square Regional Center Trail project in the Parks Capital Fund that has been postponed until FY 06-07 to the Tualatin River Bicycle and Pedestrian Bridge project.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2005-06
Budget Amendment # 8

FY 2005-06 Adopted Budget	Budget Amendment # 8	Adopted Revised Budget
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Parks Capital Fund

Resources

Beginning Fund Balance	\$2,211,721		\$2,211,721
Grants	865,694		865,694
Development Fees & Charges	10,000		10,000
Interest Earnings	51,000		51,000
Other Revenues	105,000		105,000
Transfers In from Other Funds	2,804,987		2,804,987
Total	\$6,048,402	\$0	\$6,048,402

Requirements

Program Expenditures Total	\$0	\$0	\$0
Debt Service	\$282,876		\$282,876
Capital Improvements	\$3,714,566	\$150,000	\$3,864,566
Transfers to Other Funds	\$1,900,000		\$1,900,000
Contingency	\$150,000	(\$150,000)	\$0
Total Requirements	\$6,047,442	\$0	\$6,047,442
Ending Fund Balance	960		960
Grand Total	\$6,048,402	\$0	\$6,048,402